

ALABAMA LAWS
(and Joint Resolutions)
OF THE
LEGISLATURE OF ALABAMA
PASSED AT THE
REGULAR SESSION, 1993
VOL. 1



GUY HUNT, Governor
JIM FOLSOM, JR., Lieutenant Governor
RYAN deGRAFFENRIED, President Pro-Tem of the Senate
JAMES S. CLARK, Speaker of the House
JAMES M. CAMPBELL, Speaker Pro-Tem of the House
McDOWELL LEE, Secretary of the Senate
GREG PAPPAS, Clerk of the House

WITH AN INDEX PREPARED BY THE
LEGISLATIVE REFERENCE SERVICE

The undersigned, as Secretary of State of the State of Alabama, does hereby certify that this book contains bills and joint resolutions enacted at the 1993 Regular Session of the Legislature of Alabama and is the official publication of such acts.

Billy Joe Camp
Secretary of State

Good laws lead to the making of better ones; bad ones bring about worse. As soon as any man says of the affairs of the State 'What does it matter to me?' the State may be given up for lost.

Jean Jacques Rousseau
Social Contract

The public's right to know about their government's activities is a sacred one protected by the United States Constitution, the Alabama Constitution, and the Code of Alabama.

But that right carries a responsibility. If citizens do not actively participate in and monitor the business of government, then as the eighteenth-century French philosopher Rousseau pointed out, the very existence of the free state is in jeopardy.

In keeping with that belief, Alabama law requires that the Secretary of State publish and make available all the acts of the Alabama Legislature. Contained within this volume are the acts passed in the 1993 regular session.

Many people worked to make this volume possible including McDowell Lee, Secretary of the Senate; Greg Pappas, Clerk of the House of Representatives; Joyce Bishop and Julie Saint, enrolling and engrossing clerks; Dodie Pappanastos, Helen Thorington, and Ina Clay, technical proofreaders; Dannie Shockley, Recording Secretary for the Governor; Jerry L. Bassett, Director of the Legislative Reference Service; and Hannah M. Bates and Rosemary Judkins of the Office of the Secretary of State.

Freedom's best protection is an informed citizenship; therefore, we take pride in making these new laws accessible to you.

Billy Joe Camp
Secretary of State

GOVERNOR HUNT'S
"STATE OF THE STATE" SPEECH
FEBRUARY 2, 1993

Lieutenant Governor Folsom, Speaker Clark, members of the court, legislators, honored guests, ladies and gentlemen:

It is fitting that we gather tonight in the historic Alabama Capitol. We celebrate the rebirth of a great tradition: the assembling of the Alabama Legislature in the building that has come to symbolize Alabama itself.

Here in this room many of the laws that guide us today were debated and approved. This room is a symbol of a government that works, and so it is appropriate that we gather here tonight, for the first time in seven years, to begin work again.

We should recognize some of the people who made history of their own this past year and brought national attention and great pride to Alabama.

Who can ever forget the spectacle of the Alabama Crimson Tide in the Sugar Bowl on New Year's Day rising up to defeat the mighty defending national champions?

Virtually no one except the faithful here in Alabama gave the Crimson Tide a chance. The conventional wisdom was that Miami was simply too strong, and that the enemy would overpower us and send us home from New Orleans with our tails tucked between our legs.

But the experts at conventional wisdom failed to see the unconventional strength and heart of this team.

It's the same kind of thing we hear from the doomsayers all the time. Those are the folks who think our state can never rise up to defeat our problems. Those are the people who always rank Alabama last in everything, and who ridicule us for daring even to suggest that we deserve to be on the same field with California and Florida and the other states with the big reputations.

Well folks, we know now what happened. Alabama is the new national champion of college football. The doomsayers were wrong. The good guys won.

One of the heroes of that great win is here with us tonight. He is the man who made what will be forever known as THE Play. George Teague! George, step up and let us recognize you.

Coach Gene Stallings could not be here with us tonight because he is out recruiting. But University of Alabama Athletic Director Hootie Ingram is here tonight to represent the Division One national champions. We have prepared for the team a special proclamation, because the team personifies the winning spirit that IS Alabama. And they also stand tall tonight as an example for those of us in the state government as we prepare to face down the enemies of progress in 1993.

Mr. Ingram, would you please come forward so I can present you with this special proclamation, and so we can congratulate the 1992 Crimson Tide team?

We are honored to have with us tonight the head coach of another national champion. The Jacksonville State University Gamecocks are the new champions of Division Two, and they too proved the critics wrong.

In the final 20 seconds of the championship game played in Florence, Alabama, a Jacksonville State linebacker slapped away a fourth-down pass in the end zone to preserve a 17-to-13 victory and end Pittsburgh State's 25-game winning streak. It was Jacksonville State's third trip to the championship game in four years, and this time, the Gamecocks won!

And now Jacksonville State is the only school in the country that has won national championships in three major sports – football, basketball and baseball. I want to congratulate Jacksonville State Coach Bill Burgess and his team on an outstanding year. Coach Burgess came to be with us tonight even though this is the night before national signing day, so he has made a big sacrifice to be with us. Coach Burgess, would you please come forward for a special award?

Alabama's successes last year didn't begin and end on the football field.

It was another victorious year for the economy of Alabama. And once again, the Chicken Little crowd was wrong.

In spite of the national recession, Alabama's economy fared relatively well throughout the year.

Consider this: Alabama led the Southeast in economic performance for the second quarter of 1992 according to Kemper Securities. During the same quarter the Commerce Department ranked us 18th in the nation in growth of personal income. That's better than New York and California, and it is proof that those from inside and outside Alabama who criticize our state as some kind of haven for low paying jobs are years and years behind the times.

Maybe the best economic news came in October when the unemployment rate fell to 6.1 percent. Ladies and gentlemen . . . that is the farthest below the national average that Alabama's unemployment rate has EVER been. And for the year Alabama's jobless rate wound up UNDER the national average for the first time in 14 years.

In 1986, the year before I became governor, the United States was in the middle of the longest peacetime economic expansion in its history, yet the average annual unemployment rate in our state was 9.8 percent.

In 1991 as the United States as a whole struggled with a recession, the jobless rate in Alabama was down by more than a fourth. This means that there are more than 100,000 more people with jobs now than there were six years ago. That's like having a new county the size of Etowah County where everyone has a job that was not there six years ago.

And this just in also: home sales in Alabama, another barometer of the economy, were up about 18 percent in 1992, and that is more than TWICE the national average.

How about that? Who would EVER have thought we would see the day that Alabama's economy would perform so much better than the nation's as a whole?

And the jobs that were created were better jobs. Back in 1986 the income earned in Alabama by each citizen averaged about \$11,575. The latest figures available show that personal income in Alabama has jumped almost 40 percent. Alabama was in the top 20 in personal income growth the last year.

All of us were worried about the effect the recession might have on Alabama's economy in 1992. The national recession made it difficult to repeat Alabama's past economic performances.

But I have more good news for you.

I can announce to you tonight that we have completed our industrial development survey for 1992, and once again Alabama has set new records.

For a record sixth consecutive year, Alabama recorded more than \$2 Billion last year in industrial development.

And that includes almost 20,000 new industrial jobs announced last year. Compare that to the days before you and I worked to reform Alabama's economy. Prior to 1986 Alabama had never had more than two consecutive years with two billion dollars in industrial development. Now we've topped \$2 billion for six consecutive years. That's progress.

Another way to judge how much is being invested in Alabama is to look at the franchise taxes paid by out-of-state corporations to do business here. Those taxes are a very rough indication of how much capital is employed in Alabama by those companies. In 1986 those taxes totaled 61 million dollars. Six years later, in 1992, the amount had soared by more than 70 percent.

Kemper Securities reported that the improvement in Alabama's economy was the best in the deep South in the third quarter of the year. In fact, we were doing far better than Georgia and Florida.

So let the doomsayers chew on that for awhile. They were wrong again. 1992 was another record year for Alabama.

But just like on the football field, all the headlines kept going to the other guys while Alabama was quietly piling up victories. It seems to happen that way for good conservative football teams. Their achievements seem to go virtually unnoticed by the liberal news media just as the progress of good conservative governments seems to be ignored by much of the media.

I want to issue this challenge again tonight to the news media, and I want to do it right here on statewide television and radio so that tens of thousands of people all across Alabama who are watching and listening tonight can join in with me. And I know that many in the Legislature share these feelings:

There is a reason why the news media ranks so low in public opinion polls, lower even than politicians; and that reason is the media, in general, are TOO NEGATIVE.

People are sick and tired of seeing the front pages of the newspapers and hearing the beginning of the radio and television news broadcasts dominated by gloom and doom reports. And yet when Alabama finally gets ranked number one in something good, other than football, of course, you usually can only find the story in the newspaper right next to the ad that says, "I will not be responsible for any debts other than my own."

I implore the media, do yourselves AND all of Alabama a favor. Stop being so negative all the time.

And stop granting sainthood to every ivory tower college professor who claims that Alabama is home to nothing but barefoot, ignorant good ole boys. There are many more good things about Alabama than there are bad things, and it is time that story was told!

You know it took big plays for the football teams to win the national championship. Derrick Lassic had to rush for more than 100 yards. And who can ever forget George Teague running that

receiver down from behind and stripping the football from him, saving a touchdown? And remember Antonio Langham in the SEC championship game returning the interception for a touchdown to win the game? And the pass that was batted away by the Jacksonville State defender, saving the championship?

Championship teams have to make championship plays.

So maybe the state of Alabama needs another big play to show the rest of the nation that we are here to win the championship.

Well, I've got one for you tonight.

I want to welcome to Alabama a major new investor. One of the most respected names in women's wear is Liz Claiborne. This company has been a remarkable success, rising to the Fortune 500 list of major companies in a relatively short time.

Liz Claiborne always has conducted its manufacturing and distribution activities in the United States from the east coast – New Jersey and Pennsylvania. Today, however, Liz Claiborne Incorporated and I have signed the remaining necessary documents for the company to open a major finishing and distribution facility – creating 400 jobs – in Montgomery, Alabama. That's at least 400 new jobs for Montgomery.

I first met with Walter Kreiger, Kenneth Ganz and others representing the company in December of 1991 when they came here after a visit to North Carolina. Since then, through efforts of the Alabama Development Office, the Highway Department, the Department of Economic and Community Affairs, the Montgomery Chamber of Commerce and local officials and others, this project is now a reality.

We are privileged to have as our guests tonight Liz Claiborne President Harvey Falk and Senior Vice President Kenneth Ganz. Please join me in welcoming this fine company to Alabama.

This announcement follows a long list of significant achievements that have kept Alabama's economy in gear while other sections of the country sputtered during the recession.

The Federal Reserve Bank said Alabama weathered the recession better than most other states. For example, Alabama is the only state in the nation that increased its number of textile industry jobs last year. And I think clearly we are positioned for great things in 1993. Income is up, unemployment is down, and expectations for success are high. The Liz Claiborne announcement tonight is proof that our expectations are justified.

But you know, this announcement didn't just happen by itself. It took years of planning and preparation by Liz Claiborne, and a

lot of ground work by the state of Alabama's economic development team.

It is a formula of hard work and innovation that we have followed many times. Six years ago we decided that Alabama had to change the way it recruited new industry, and that we had to pay more attention to the needs of existing industries and small businesses that made up 80 percent of our job market. So we completely revamped the Alabama Development Office and the Department of Economic and Community Affairs to eliminate the duplication and to concentrate their efforts to create jobs. We had to wipe out whole divisions and start new ones, such as the Textile/Apparel team and the task force on biotechnology and the existing business and industry division to help expand companies already in Alabama. In effect, we had to design a playbook to govern how we would advertise for, attract and keep business and industry.

The numbers speak for themselves. Alabama has recorded six straight years of more than 2-Billion dollars in industrial development. And in 1992 we learned that Alabama ranked first in the nation in industrial development for three years in a row, based on our population.

Just like the Crimson Tide and the Gamecocks, the state of Alabama won a national championship: we reached the goal we set for ourselves back in 1987 to lead the nation in economic opportunity.

But now the challenge is to stay on top. I submit to you that the same game plan that got us here, hard work and dedication to the task, will keep us on top of the economic mountain and will move Alabama toward the top on other critically important issues.

1993 will not be an easy year for any of us. But you and I aren't paid to come here to Montgomery and fill easy jobs. We asked for the burden of leadership. And now the burden is squarely on our shoulders, and we cannot look around for someone else to carry it. It's ours.

As usual, of primary concern to us this year will be the state's General Fund and education budgets.

Let's start with the good news first: the education budget.

All those numbers I gave you earlier that pointed out the strength of Alabama's economy were not the result of hocus pocus. We anticipate solid growth in the economy again this year, and as a result the Alabama Special Education Trust Fund should grow by almost \$180 Million this next fiscal year. Therefore, we will have \$180 Million more to spend on our schools without raising taxes, and that is a significant achievement for Alabama.

We cannot have good schools without good teachers. That's about as elementary as spelling and arithmetic.

And here's another elementary truth for you: we can't have enough good teachers without good pay. Alabama has taken too long to make progress toward the national average in teacher pay, just like we have taken too long to recognize that money isn't the answer to all our problems in the schools. But we ARE seeing progress in the fight to build a realistic school system around the needs of today, and we also need to see progress in getting teacher salaries up where they ought to be. So I will propose a 5.5 percent pay raise for schoolteachers beginning October first. And this pay raise will be for retired teachers as well.

We cannot forget the physical needs of the schools either. I will propose a five million dollar increase in the school maintenance budget.

All totaled, the budget I will propose to you for grade schools and colleges and universities will be almost \$2.9 billion dollars. That's a budget that we can be proud of.

I will make this warning again though, loudly and clearly.

Since 1978 Alabama has more than tripled spending on education, far outstripping inflation. But despite that massive increase in spending, we have not seen much improvement in the performance of schools. Children aren't learning much better now than they did before we threw all that money at the schools.

This much is clear: all the spending has not worked, and parents in Alabama are sick and tired of it. They want BETTER schools for their children, not just more expensive ones!

I am proud to throw my 100 percent support behind the A-Plus citizens coalition and its work to build grassroots support for fundamental education reform. A-Plus believes as I do, that we cannot continue to try to reform the schools from the top down. They know that we cannot fight our way through an education bureaucracy that spends money like it's going out of style and smothers creativity at the local school level under mountains of red tape.

I endorse A-Plus' 14 principles on which the schools of the 21st century should be built. The principles call for more accountability for spending, higher standards, higher expectations, and no more endless spending on an inefficient bureaucracy. I was happy to have a chance to join A-Plus at a public hearing last month, and I look forward to working with that coalition when it offers its program in a future session of the Legislature.

Turning back to the budgets, the news in the General Fund is not as good. But then again, that's no real surprise. As we have

discussed many times in the last six years, the growth revenues are used primarily for the education fund, and the gross overrearmarking of state financial resources, have left the General Fund with very little hope of growth in the future.

I will propose a General Fund budget of almost \$822 million and it is on that budget that this administration is prepared to live. I think the people expect that of us.

There's something else the people of Alabama want, and so does this governor.

It's the same thing voters all across the country shouted in November loudly and clearly that they want. It is time to place reasonable limits on how long members of the Alabama Legislature and the Alabama congressional delegation can serve.

Let's don't fool ourselves: people are tired of a system that fosters the growth of professional politicians, especially in Washington, but also in Alabama. The people, in their wisdom, have limited the governor, the lieutenant governor and other constitutional officers to two consecutive terms because they know a truth that we in government sometimes miss: that politicians can rapidly fall out of touch with the people they are supposed to represent. It happens in Washington. It happens in Montgomery.

On November 3rd, only 43 percent of American voters voted for Bill Clinton for president.

But there was one very clear mandate on November 3rd. In 14 states, voters were asked to decide whether the terms of members of Congress should be limited. The Wall Street Journal said this vote on term limits was as close to a national referendum as the United States has ever seen.

Guess what happened?

Yep. Voters in ALL 14 states approved term limits. And they did it with an average landslide of 66 percent. Incredibly, in those 14 states, term limits got 20 million votes. Bill Clinton got only 14 million votes in those states. Clearly, term limits is a demand of the people.

With the November election results, 156 members of the U.S. House of Representatives and 30 senators are now under term limits. And by 1994, at least eight other states will vote on the issue. Alabama should be one of those states.

There are many fine members of the Alabama Legislature who have given many years of their lives to public service. And I know that Alabama has a fine congressional delegation.

But the framers of our Constitutions, Alabama's and America's, surely did not anticipate members of the governing bodies serving 20, 30, even 40 years, leaving other good people without a realistic opportunity to serve.

I will support in this session legislation calling for limits of eight consecutive years or two terms of service for members of the Legislature. And I believe we also need to look at reasonable term limits for members of Congress. Let's give the people of Alabama a reason to believe we are sincere when we say we want better government. Ending our own monopoly on the government is a good way to do that. There will be a bill proposed by members of the Legislature to limit terms to eight years for U.S. House members and 12 years for U.S. Senators. That bill also will have my support.

Oh, and one small digression, while we're talking about the elections and the general subject of government reform: voters in six states approved spending cuts or limitations. And on the flip side, 12 states proposed tax increases or bond initiatives, and in 11 of those 12 states the tax increases and bond issues were rejected by the voters. Again, the message is pretty clear.

People also want reasonable limits on campaign funding. It is ridiculous that Paul Hubbert and I had to spend more than \$10 million beating each other up in 1990 just so one of us could get elected governor. Ten Million dollars would pay a lot of schoolteachers or hire a lot of child abuse case workers. And it especially gripes me that my own campaign was spending about \$100,000 A WEEK just on television advertising. Surely if the founders had known that candidates would spend piles of money on their television images to win these races, they would have limited campaign spending. The candidates need to leave the television acting to Hollywood.

Spending limits, and limits on the activities of political action committees and other important political reforms are being debated now by the Legislature's own committee, and I look forward to a program in this session that we can all support.

The third head of this friendly government reform monster is ethics reform. My own case, which has led to completely false charges in a malicious attack on me and my family, is evidence that something is terribly wrong with the code of ethics that governs the conduct of public officials.

The ethics law needs to be stronger, but it also needs to be clearer so that never again can it be applied unfairly for reasons of political or religious persecution. What is unethical for a Republican legislator ought to be just as unethical for a Democrat. And what is wrong for a Democrat governor to do ought to be just

as wrong for a Republican governor. There can be no more selective prosecution.

Let me assure you of this. I will be here throughout this legislative session. I am governor today, and I will be governor 105 days from now when you complete your work for this session. I hope that in the interim you will have approved a stronger, clearer ethics law that will be proposed by our special ethics law task force that has been holding public hearings around the state. The task force is made up of such distinguished Alabamians as former Governor John Patterson and Jefferson County Judge Elise Barclay, and I know their report will be a fine one.

This Legislature also needs to take more strong action in this session to protect victims of crime.

I want to praise the Legislature's record of passing the tough anti-drug and crime laws that we have sought over the past six years. Alabama is now one of the toughest states in the nation for drug dealers to carry out their filthy business, and we make no apologies for the tough laws that you and I have enacted to stop them.

This year, I will ask the Legislature to pass a new law that will increase the penalties for carjacking. You may recall the terrible incident in Shelby County several months ago when a drug enforcement agent was gunned down while he was waiting in his parked car outside a store. The shooter almost certainly did not know that the man was a drug agent, he just wanted the car. I will ask you to establish a penalty consistent with federal law concerning carjacking.

And we need to take action as soon as possible to make quality and affordable health care available to more Alabamians. It is a shame that in 1993, 700,000 people in Alabama have no health insurance of any kind. And it's even more shocking that the vast majority of those 700,000 people work for a living. They aren't deadbeats looking for an expensive handout. They are trying to make a living, but their productivity is threatened because they cannot afford health care for themselves, let alone their families.

A group headed by the commissioner of Medicaid and the state health officer and representatives of the private sector health care providers is expected to offer a report on ways we can make better use of existing programs such as Medicaid in order to make health care opportunities available to more Alabamians.

And another essential element to a good quality of life in Alabama is water. It's one of our most basic resources. It's also one of our most ill-cared for treasures.

Alabama is the only state in the nation without a water management program. It's time we joined the rest of the country. I will propose to you legislation that will allow the state to establish a process to ensure that our short-term and long-term water resource needs will be met. Through the legislation, the state will establish an Office of Water Resources within the Alabama Department of Economic and Community Affairs and a water resources commission to start a comprehensive water resource planning, coordination, development and management program. This bill has the support of the speaker and the lieutenant governor, and I urge all of you to join with us to pass it.

It also is clear that this Legislature must again deal with the issue of tort reform, and I will be supporting that movement in the coming months.

I know that much of your time in this session will be consumed by necessary work on reapportionment, and other priority items on your agenda.

But there are enough hours in the legislative days allotted to you to bring about the important government reforms that the people of Alabama are demanding. The Legislature has a chance to take important steps toward answering the concerns of the people about the need for honest, efficient government. Let's not miss this chance by letting time slip away from us.

The people of Alabama are champions. But like our great football teams, they need championship leaders to make it all the way to the top.

Let us be those championship leaders, and put our faith and trust in the strength and wisdom of God, shared with our people, to do the rest.

Thank you, and may God richly bless us all in our work this year.

ALABAMA LAWS
And Joint Resolutions
REGULAR SESSION, 1993

Act No. 93-1

H. 71 – Rep. Butler

AN ACT

To authorize one or more counties and municipalities in the state to create public corporations to acquire real and personal property for lease to the United States of America, its departments, agencies, and instrumentalities; to provide that counties and municipalities forming such public corporations may lend, donate, or contribute money and services to such public corporations, may enter into contracts obligating counties and municipalities to lend, donate, or contribute money to the public corporations, and may borrow money for the purpose of making loans, donations, or contributions; to provide for the powers and duties of the public corporation, including the power to issue bonds; and to provide for a termination date.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intent of the Legislature to authorize the several counties and municipalities in the state effectively to form public corporations whose corporate purpose shall be to provide buildings, facilities, and other property for lease to and use by the United States of America, its departments, agencies, and instrumentalities, to invest those public corporations with all powers that may be necessary to enable them to accomplish that purpose, and to authorize each county and municipality forming each public corporation to provide financial support and to take other action as may be necessary to enable the public corporation to carry out the purposes of this act. This act shall be liberally construed in conformity with this intent.

Section 2. The following words and phrases shall be given the following respective interpretations:

(1) **APPLICANT.** A natural person who files a written application with the governing body of a county or municipality, or two or more thereof, in accordance with Section 3.

(2) **AUTHORITY.** A public corporation organized pursuant to this act.

(3) **AUTHORIZING RESOLUTION.** A resolution adopted by the governing body of an authorizing subdivision in accordance with Section 3, that authorizes the incorporation of an authority under this act.

(4) **AUTHORIZING SUBDIVISION.** Each county and municipality with the governing body of which an application for the incorporation of an authority under this act is filed.

(5) **BOARD.** The board of directors of an authority.

(6) **BONDS.** Any bonds authorized to be issued by an authority hereunder, including refunding bonds.

(7) **CODE.** The Code of Alabama 1975.

(8) **COUNTY.** Any county in the state.

(9) **DIRECTOR.** A member of the board of an authority.

(10) **FEDERAL SECURITIES.** Direct obligations of the United States of America for the payment of which the full faith and credit of the United States of America is pledged, or obligations issued by a person controlled or supervised by and acting as an instrumentality of the United States of America, the payment of the principal of, premium, if any, and interest on which is fully and unconditionally guaranteed as a full faith and credit obligation by the United States of America.

(11) **FISCAL YEAR.** A fiscal year of an authorizing subdivision.

(12) **GOVERNING BODY.** With respect to a county, its county commission or other like governing body, and with respect to a municipality, its city or town council, board of commissioners, or other like governing body.

(13) **INCORPORATOR.** The persons forming a public corporation organized pursuant to this act.

(14) **INDENTURE.** A mortgage, mortgage indenture, mortgage and trust indenture, or trust indenture executed by an authority as security for any of its securities.

(15) **LEGISLATURE.** The Legislature of the state.

(16) **MUNICIPALITY.** An incorporated city or town of the state.

(17) **PRINCIPAL OFFICE.** The place at which the certificate of incorporation and amendments thereto, the by-laws and the minutes of the proceedings of the board of an authority are kept.

(18) **PROJECT.** Any land and any buildings or other improvements thereon and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, which shall be suitable for use by the United States.

(19) **SECURITIES.** Bonds, notes, warrants, certificates of indebtedness, or other evidences of indebtedness, including, without limiting the generality of the foregoing, notes issued in anticipation of the sale of any of the foregoing.

(20) STATE. The State of Alabama.

(21) UNITED STATES. The United States of America or any of its departments, agencies, or instrumentalities.

Section 3. (a) In order to incorporate an authority pursuant to this act, any number of natural persons, not less than three, each of whom is a duly qualified elector of the county or municipality with the governing body of which an application is filed, or if there is more than one, at least one thereof, shall first file a written application with the governing body of any county or municipality, or any two or more thereof, which application shall:

(1) Recite the name of each county and municipality with the governing body of which the application is being filed.

(2) Contain a statement that the applicants propose to incorporate an authority pursuant to this act.

(3) State the proposed location of the principal office of the authority, which shall be within the boundaries of the county or municipality with the governing body of which the application is filed, or, if there is more than one, at least one thereof.

(4) State that each of the applicants is a duly qualified elector of the county or municipality with the governing body of which the application is filed, or, if there is more than one, at least one thereof.

(5) Request that the governing body of the county or municipality adopt a resolution declaring that it is wise, expedient, and necessary that the proposed authority be formed, approving its certificate of incorporation, and authorizing the applicants to proceed to form the proposed authority by the filing for record of a certificate of incorporation in accordance with Section 4. Every application shall be accompanied by the form of certificate of incorporation of the proposed authority and by other supporting documents or evidence the applicants may consider appropriate.

(b) As promptly as may be practicable after the filing of the application in accordance with this section, the governing body of each county and municipality with which the application was filed shall review the contents of the application and the accompanying form of certificate of incorporation, and shall adopt a resolution either denying the application or declaring that it is wise, expedient, and necessary that the proposed authority be formed, approving the form of its certificate of incorporation, and authorizing the applicants to proceed to form the proposed authority by the filing for record of the certificate of incorporation in accordance with Section 4. The governing body of each county and municipality with which the application is filed shall also cause a copy of the

application, and accompanying documents, to be included in the resolution or otherwise spread upon or made a part of the minutes of the meeting of the governing body at which final action upon the application is taken. No authority shall be formed unless the application required by this section is made and unless an authorizing resolution for which provision is made in this section is adopted by each authorizing subdivision.

Section 4. (a) Within 60 days following the adoption of the authorizing resolution, or, if there is more than one, the last adopted thereof, the applicants shall proceed to incorporate an authority by filing for record, in the office of the judge of probate of the county in which the principal office of the authority is to be located, a certificate of incorporation complying in form and substance with this action, being in the form and executed in the manner herein provided and being in the form approved by the governing body of each authorizing subdivision.

(b) In addition to any other provisions required by this act to be included therein, the certificate of incorporation of an authority shall state:

(1) The names of the incorporators, together with the address of the residence of each thereof, and that each of them is a duly qualified elector of the authorizing subdivision, or, if there is more than one, at least one thereof.

(2) The name of the authority, which shall be "The _____ Federal Building Authority," with the insertion of the name of one or more of the authorizing subdivisions, unless the Secretary of State determines that the name is identical to the name of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty, in which case the incorporators may insert additional identifying words to eliminate the duplication or similarity or adopt some other similar name that is available.

(3) The period for the duration of the authority, if the duration is to be perpetual, subject to Section 24, that fact shall be stated.

(4) The name of each authorizing subdivision together with the date on which the governing body thereof adopted an authorizing resolution.

(5) The location of the principal office of the authority, which shall be within the boundaries of the authorizing subdivision, or, if there is more than one, at least one thereon.

(6) That the authority is organized pursuant to this act.

(7) If the exercise by the authority of its powers is to be in any way prohibited, limited, or conditioned, a statement of that prohibition, limitation, or condition.

(8) The number of directors, which shall be an odd number not less than three, the duration of their respective terms of office, which shall not be in excess of six years, and, subject to Section 6, the manner of their election or appointment.

(9) Any provisions, not inconsistent with Section 24, relating to the vesting of title to its assets and properties upon its dissolution.

(10) Any other matters relating to the authority that the incorporators may choose to insert and that are not inconsistent with this act or with the laws of the state.

(c) The certificate of incorporation shall be signed and acknowledged by each of the incorporators before an officer authorized by the laws of the state to take acknowledgments to deeds. When the certificate of incorporation is filed for record, there shall be attached to it a certified copy of each authorizing resolution and a certificate by the Secretary of State that the name proposed for the authority is not identical to that of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty. Upon the filing for record of the certificate of incorporation and the documents required by the preceding sentence to be attached thereto, the authority shall come into existence and shall constitute a public corporation under the name set forth in its certificate of incorporation. The judge of probate shall record the certificate of incorporation in an appropriate book in his or her office and send a notice to the Secretary of State that the certificate of incorporation of the authority has been filed for record.

Section 5. (a) The certificate of incorporation of any authority incorporated under this act may at any time, and from time to time, be amended, but only in the manner provided in this section. The board shall first adopt a resolution proposing an amendment to the certificate of incorporation of the authority, which amendment shall be set forth in full in the resolution and which amendment may include any matters that might have been included in the original certificate of incorporation.

(b) After the adoption by the board of a resolution proposing an amendment to the certificate of incorporation of the authority, the chair of the board and the secretary of the authority shall sign and file, with the governing body of each authorizing subdivision, a written application in the name and on behalf of the authority, requesting the governing body to adopt a resolution approving the proposed amendment, and accompanied by a certified copy of the resolution adopted by the board proposing the amendment to the certificate of incorporation, together with such documents in support of the application as the chair may consider appropriate. As promptly as may be

practicable after the filing of the application with the governing body of an authorizing subdivision, the governing body shall review the application and shall adopt a resolution either denying the application or approving and authorizing the proposed amendment. The governing body of each authorizing subdivision with which any application is filed shall also cause a copy of the application and all accompanying documents to be included in the resolution or otherwise spread upon or made a part of the minutes of the meeting of the governing body at which final action upon the application is taken.

(c) Within 60 days following the adoption of a resolution approving the proposed amendment by the governing body of the authorizing subdivision, or, if there is more than one, the last adopted of the approving resolutions, the chair of the board and the secretary of the authority shall sign and file for record in the office of the judge of probate of the county in which the certificate of incorporation of the authority was originally filed a certificate in the name and on behalf of the authority reciting the adoption of the respective resolutions by the board and by the governing body of each authorizing subdivision and setting forth the proposed amendment. The judge of probate shall thereupon record the certificate in an appropriate book in his or her office. When the certificate has been filed and recorded, the amendment shall become effective, and the certificate of incorporation shall thereupon be amended to the extent provided in the amendment.

Section 6. (a) Each corporation shall be governed by a board of directors composed of the number of directors provided in the certificate of incorporation as most recently amended. Unless provided to the contrary in its certificate of incorporation, all powers of the authority shall be exercised by the board or pursuant to this authorization. Subject to the provisions of subdivision (8) of subsection (b) of Section 4, the board shall consist of directors having those qualifications, being elected or appointed by that person or persons, including, without limitation, the board itself, one or more authorizing subdivisions, or other counties and municipalities, and other entities or organizations and in the manner, and serving for the terms of office, all as shall be specified in the certificate of incorporation of the authority. Notwithstanding the foregoing, no fewer than a majority of the directors shall be elected by the governing body or bodies of one or more of the authorizing subdivisions and the certificate of incorporation of each authority shall contain provisions having this effect. Directors elected or appointed by a municipality shall be nominated by the mayor and confirmed by the governing body of the municipality. Directors elected or appointed by a county shall be nominated by the chair of the county commission and confirmed by the governing body of the county. No elected official may serve as a director.

(b) If, at the expiration of any term of office of any director, a successor has not been elected or appointed, then the director whose term of office has expired shall continue to hold office until a successor has been elected or appointed. If at any time there is a vacancy on the board, whether by death, resignation, incapacity, disqualification, or otherwise, a successor director to serve for the unexpired term applicable to the vacancy shall be elected or appointed by the person or persons who elected or appointed the predecessor director. Any director, irrespective of by whom elected or appointed, shall be eligible for reelection or reappointment.

(c) Each director shall serve without compensation but shall be reimbursed for expenses actually incurred in and about the performance of his or her duties. A majority of the directors shall constitute a quorum for the transaction of business, but any meeting of the board may be adjourned from time to time by a majority of the directors present. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board. The board shall hold regular meetings at such times, if any, as may be provided in the by-laws of the authority, may hold other meetings at any time and from time to time upon such notice as may be required by the by-laws of the authority, and shall upon call of the chair of the board, or a majority of the total number of directors, hold a special meeting. Any matter on which the board is authorized to act may be acted upon at any regular, special, or called meeting. At the request of any director, the vote on any question before the board shall be taken by yeas and nays and entered upon the record. All resolutions adopted by the board shall constitute actions of the authority, and all proceedings of the board shall be reduced to writing, signed by the secretary of the authority, and recorded in a well-bound book. Copies of proceedings, when certified by the secretary of the authority, under the seal of the authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

(d) Any director may be impeached and removed from office in the same manner and on the same grounds provided in Section 175 of the Constitution of Alabama of 1901 and the general laws of the state for impeachment and removal of the officers mentioned in Section 175.

Section 7. The officers of an authority shall consist of a chair of the board, a vice-chair of the board, a secretary, a treasurer, and such other officers as the board deems necessary or desirable. The chair and the vice-chair of the board shall be elected by the board from its membership but neither the secretary, the treasurer, nor any of the other officers of the authority need be a

director. The offices of secretary and treasurer may, but need not be, held by the same person. The officers of the authority shall be elected by the board for such terms as it deems advisable. The duties of the chair of the board, the vice-chair of the board, the secretary, and the treasurer shall be those that are customarily performed by those officers and as may be prescribed by the board. The duties of any other officers of the authority shall be those that are from time to time prescribed by the board.

Section 8. (a) In addition to all other powers granted elsewhere in this act, and subject to the express provisions of its certificate of incorporation, an authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

(1) To have succession by its corporate name for the duration of time, which may be in perpetuity, specified in its certificate of incorporation, or until dissolved as provided in Section 24.

(2) To sue and be sued in its own name in civil suits and actions, and to defend suits and actions against it, subject, however, to Chapter 93 of Title 11 of the Code of Alabama 1975, which chapter is hereby made applicable to the authority.

(3) To adopt, alter, amend, and repeal by-laws, regulations, and rules for the regulation and conduct of its affairs and business.

(4) To adopt and make use of a corporate seal and to alter the same at pleasure.

(5) To acquire, whether by purchase, construction, exchange, gift, lease, or otherwise and to improve, maintain, equip, and furnish one or more projects, including all real and personal properties which the board deems necessary in connection therewith, regardless of whether any projects are then in existence, at such place or places, within and without the boundaries of its authorizing subdivisions, as it considers necessary or advisable.

(6) To lease or otherwise make available its projects or other of its properties or assets, with or without charge, to the United States or to one or more of its authorizing subdivisions, for sublease to the United States, on such terms as the board deems appropriate, to charge and collect rent or other fees or charges therefor, if any, and to terminate any lease or other agreement upon the failure of the lessee or other party to comply with any of its obligations thereunder.

(7) To receive, acquire, take, and hold, whether by purchase, gift, transfer, foreclosure, lease, devise, option, or otherwise, real and personal property of every description, or any interest therein, and to manage, improve, and dispose of the same by any form of

legal conveyance or transfer. Notwithstanding the foregoing, the authority shall not, without the prior approval of the governing body of each authorizing subdivision, dispose of all or substantially all its assets. The foregoing provision shall not be construed to require the prior approval of any governing body for the mortgage or pledge of all or substantially all its assets or for the foreclosure of any mortgage or sale or for any sale or other disposition thereunder.

(8) To mortgage, pledge, or otherwise convey its property and its revenues from any source, including, without limitation, any amounts payable to the authority by an authorizing subdivision in accordance with an agreement entered into pursuant to Section 10.

(9) To borrow money in order to provide funds for any lawful corporate function, use, or purpose and, in evidence of such borrowing, to sell and issue interest-bearing securities in the manner provided and subject to the limitations set forth in this act.

(10) To pledge for payment of any of its securities its revenues from any source, including, without limitation, any amounts payable to the authority by an authorizing subdivision in accordance with an agreement entered into pursuant to Section 10, and to mortgage or pledge any or all of its projects or other assets or properties or any part or parts thereof, whether then owned or thereafter acquired, as security for the payment of the principal of and the interest and premium, if any, on any securities so issued and any agreements made in connection therewith.

(11) To enter into agreements with any person, firm, or corporation for the management by the person, firm, or corporation on behalf of the authority of any of its projects or other properties or for the more efficient or economical performance of clerical, accounting, administrative, and other functions relating to its projects or other properties.

(12) To make all needful or appropriate rules and regulations for the conduct of any properties owned or operated by it and to alter those rules and regulations.

(13) To provide for any insurance the business of the authority requires.

(14) To receive and accept from any source aid or contributions in the form of money, property, labor, or other things of value, to be held, used and applied to carry out the purposes of this act, subject to any lawful condition upon which any aid or contributions may be given or made.

(15) To enter into contracts with, to accept aid, loans, and grants from, to cooperate with, and to do any and all things not

specifically prohibited by this act or the Constitution of Alabama of 1901, that may be necessary to avail itself of the aid and cooperation of the United States of America, the state, any county or municipality, or any agency, instrumentality, or political subdivision of any of the foregoing in furtherance of the purposes of this act; to give such assurances, contractual or otherwise, to or for the benefit of any of the foregoing as may be required in connection with, or as conditions precedent to the receipt of, any such aid, loan, or grant; and to take other action not in violation of law necessary to qualify the authority to receive funds appropriated by any of the foregoing.

(16) To give assurances, contractual or otherwise, and to make commitments and agreements necessary or desirable to preclude the exercise of any rights of recovery with respect to, or the forfeiture of title to, any of its projects or other property or any project or other property proposed to be acquired by it.

(17) To assume any obligations of any entity that conveys and transfers to the authority any project or other property, or interest therein, provided that those obligations appertain to the project, property, or interest so conveyed and transferred to the authority.

(18) To appoint, employ, contract with, and provide for the compensation of, such employees and agents, including but not limited to, architects, attorneys, consultants, engineers, accountants, financial experts, fiscal agents, and other advisers, consultants, and agents as the business of the authority may require.

(19) To invest, in any trust fund established under and subject to the general laws of the state for investment or self-insurance purposes with investment authority as may be authorized by law for such trusts, any funds of the authority available therefor.

(20) To the extent permitted by its contracts with the holders of its securities, to purchase securities out of any of its funds or moneys available therefor and to hold, cancel, or resell those securities.

(21) To make any expenditure of any moneys under its control that would, if the authority were generally subject to state corporate income taxation, be considered an ordinary and necessary expense of the authority within the meaning of Section 40-18-35, Code of Alabama 1975, and applicable regulations promulgated thereunder.

(22) To enter into such contracts, agreements, leases, and other instruments, and to take such other actions, as may be necessary or convenient to accomplish any purpose for which the authority was organized or to exercise any power expressly granted hereunder.

(b) The Legislature declares that no expenditure permitted by subdivision (21) of subsection (a) of this section to be made by or on behalf of an authority shall be considered to be a lending of credit or a granting of public money or thing of value to or in aid of any individual, association, or corporation within the meaning of any constitutional or statutory provision. Nothing herein contained shall be construed as prohibiting or rendering unlawful any otherwise lawful expenditure made by or on behalf of an authority, solely because that expenditure is not expressly permitted by the terms of subdivision (21).

Section 9. An authority shall have, in addition to all other powers granted elsewhere in this act, the same power of eminent domain as is vested by law in any authorizing subdivision, in the same manner, and under the same conditions as are provided by law for the exercise of the power of eminent domain by the authorizing subdivision.

Section 10. (a) In addition to all other powers that an authorizing subdivision may have with respect to an authority, any authorizing subdivision may, with or without consideration and on such terms as its governing body may deem advisable:

(1) Lend, donate, or otherwise contribute money to, or perform services for the benefit of, an authority.

(2) Donate, convey, transfer, lease, or grant to an authority any property of any kind.

(3) Enter into contractual agreements with an authority and with other authorizing subdivisions obligating the authorizing subdivision to lend, donate, or otherwise contribute money to, perform services for the benefit of, and to otherwise provide financial support for an authority.

(4) Issue securities of the authorizing subdivision to provide moneys to make any loan, donation, or contribution provided for in subdivisions (1), (2), and (3) of this subsection.

(b) The obligation of an authorizing subdivision to lend, donate, or otherwise contribute money to an authority in accordance with an agreement entered into pursuant to the power granted in subdivision (3) of subsection (a) of this section shall constitute a general obligation of the authorizing subdivision, which may pledge its full faith and credit for the performance of the obligation. The amounts to be paid and the agreements to be performed by the authorizing subdivision under the agreement during any fiscal year during which the agreement is in effect shall be payable solely out of the current revenues of authorizing subdivision for that fiscal year.

(c) Any securities issued by an authorizing subdivision pursuant to subdivision (4) of subsection (a) of this section may be either general obligations of the authorizing subdivision or special obligations payable solely from a specified source or sources, which source or sources may include any revenues, or portions thereof, which the authorizing subdivision may lawfully use for that purpose. The authorizing subdivision may pledge for payment of the principal of and interest on any securities that are general obligations any revenues that may lawfully be used for that purpose and may pledge for the benefit of any special obligations issued by it so much as may be necessary for the payment of the revenues from which the special obligations are made payable. Any securities shall be in the form or forms and denomination or denominations, may bear such rate or rates of interest payable and evidenced in such manner, and may have such maturities of principal all as may be provided by ordinance or resolution adopted by the governing body of the issuing authorizing subdivision. Any securities issued by a municipality shall also be subject to and shall be issued in accordance with such provisions of Articles 1 and 2 of Chapter 81 of Title 11 of the Code of Alabama 1975, as may be applicable to the securities. Any securities issued by a county shall also be subject to and shall be issued in accordance with such provisions of Chapter 28 of Title 11 of the Code of Alabama 1975, as may be applicable to the securities.

Section 11. Securities of an authority may be executed and delivered by it at any time and from time to time, shall be in such form and denominations and of such tenor and maturity or maturities not exceeding 40 years from their date, shall bear such rate or rates of interest, which may be fixed or which may float or vary based on some index or other standard deemed appropriate by the board, shall be payable and evidenced in such manner, may contain provisions for redemption prior to maturity and may contain other provisions not inconsistent with this act, all as may be provided by the resolution of the board authorizing the same or by the indenture under which those securities are authorized to be issued. Any borrowing may be effected by the issuance and sale of securities at either public or private sale in such manner, at such price or prices, at such time or times, and on such other terms and conditions as may be determined by the board to be most advantageous to the authority.

Section 12. (a) An authority may at any time, and from time to time, sell and issue its refunding securities for the purpose of refunding the principal of and interest on any then outstanding securities of the authority, whether or not the securities shall have matured or be redeemable at the option of the authority at the time of the refunding, and for the payment of any expenses

incurred in connection with the refunding and any premium or other sum necessary to be paid to redeem or retire the securities so to be refunded. The principal amount of securities that the authority may at any time issue for refunding purposes shall not exceed the sum of the following:

(1) The outstanding principal or face amount of the securities refunded thereby.

(2) The unpaid interest accrued or to accrue thereon to their respective maturities, or, in the event the securities to be refunded, or any part thereof, are to be retired prior to their respective maturities, the interest accrued or to accrue thereon to the date or dates on which they are to be retired.

(3) Any premium or other sum necessary to be paid to redeem or retire the securities to be refunded, but only if the securities are in fact to be redeemed or retired prior to their respective maturities.

(4) The expenses estimated to be incurred in connection with the refunding.

The authority may also at any time, and from time to time, sell and issue its securities for the combined purpose of refunding any of its securities and of obtaining funds for any other purpose for which it is authorized by this act to sell and issue securities, in which event the provisions of this act relating to refunding securities shall apply only to those securities issued for refunding purposes.

(b) The principal proceeds derived by the authority from the sale of any refunding securities shall be used only for the payment of the principal of and the interest and premium on the securities being refunded and for payment of the expenses referred to in the preceding subdivision (4) of subsection (a) of this section. Notwithstanding the foregoing, if, in the judgment of the board, it is necessary or desirable to effect an advantageous refunding, a portion of the proceeds may be used for payment of principal of and interest on the refunding securities themselves and the remainder of the proceeds for payment of the securities being refunded and of the expenses. Any portion of the proceeds that shall at the time not be needed therefor, may be invested in those investments specified in Section 20 of this act.

(c) Any refunding may be effected either by sale of refunding securities and the application of the proceeds thereof as provided in subsection (b) of this section, or by exchange of the refunding securities for the securities to be refunded thereby, or by any combination thereof. Notwithstanding the foregoing, the holders of any securities to be refunded shall not be compelled without their consent to surrender their securities for payment or exchange prior to

the date on which they may be paid or redeemed by call of the authority under their respective provisions. All provisions of this act pertaining to securities of the authority that are not inconsistent with this section shall, to the extent applicable, also apply to refunding securities issued by the authority and to securities issued by the authority for both refunding and other purposes.

Section 13. All securities of an authority shall be signed in the name and on behalf of the authority by the chair or vice-chair of the board, and the seal of the authority shall be affixed thereto and attested by its secretary or an assistant secretary. Notwithstanding the foregoing, a facsimile of the signature of one or both of the officers whose signature will appear on the securities may be imprinted or otherwise reproduced on any thereof in lieu of manually signing the same, but in the event both signatures are imprinted or otherwise reproduced thereon in facsimile, the securities shall be authenticated on behalf of the registrar therefor by a manual signature. A facsimile of the seal of the authority may be imprinted, or otherwise reproduced, on any securities in lieu of being manually affixed thereto. If after any securities shall be so signed, whether manually or by facsimile, and any officer shall, for any reason, vacate office, the securities so signed may nevertheless be delivered at any time thereafter as the act and deed of the authority.

Section 14. (a) Securities issued by an authority shall not be general obligations of the authority but shall be payable solely out of the revenues from any project or other properties or assets, including, without limitation, proceeds from the securities, investment income and insurance, and condemnation proceeds, owned by it, all as may be provided or specified in the resolution of the board authorizing the securities or the indenture under which issued. The principal of and interest, and premium, if any, on any securities issued by the authority shall be secured by a pledge of the revenues out of which the same are payable and may be secured by an indenture conveying as security for the securities all or any part of its property, which indenture may be subject to foreclosure.

(b) Any indenture executed on behalf of the authority and any resolution of the board authorizing the issuance of securities may contain such agreements as the board may deem advisable respecting the operation and maintenance of the properties of the authority, the application and use of any revenues out of which any securities are payable, the rights or duties of the parties to the instrument or the parties for the benefit of whom the instrument is made, and the rights and remedies of the parties in the event of default. It may also contain provisions restricting the individual rights of action of the holders of any securities. Any indenture may

be filed in the office of the judge of probate of any county in which any of the property, real, personal, or mixed, subject to the lien thereof is, or is anticipated to be, located, and the lien of the indenture shall, with respect to all personal property and fixtures subject thereto, including after-acquired property, and notwithstanding any contrary provisions of, and without compliance with, the Alabama Uniform Commercial Code, Title 7, Code of Alabama 1975, be valid and binding against all parties having claims of any kind against the authority, irrespective of whether the parties have actual notice thereof, from the time the indenture is so filed. Any pledge of any revenues shall be valid and binding from the time it is made, and the revenues so pledged and thereafter received by the authority shall immediately become subject to the lien of the pledge without any physical delivery thereof or further act. The lien of that pledge shall, notwithstanding any contrary provisions of the Alabama Uniform Commercial Code, Title 7, Code of Alabama 1975, and without compliance with the provisions thereof, be valid and binding against all parties having claims of any kind against the authority, irrespective of whether the parties have actual notice thereof, from the time there is filed in the office of the judge of probate of the county in which the principal office of the authority is located a notice stating the date on which the resolution authorizing the issuance of the securities was adopted by the board, the principal amount of the securities issued, a brief description of the revenues so pledged, and a brief description of any property the revenues from which are so pledged. Issuance by any authority of one or more series of securities for one or more purposes shall not preclude it from issuing other securities, but the resolution or indenture under which any subsequent securities may be issued shall recognize and protect any prior pledge or mortgage made for the benefit of any prior issue of securities unless in the proceedings authorizing the prior issue the right was reserved to issue subsequent securities on a parity with that prior issue. The trustee under any indenture may be a trust company or bank having trust powers, whether located within or without the state, and may be selected by the board without regard to Chapter 25 of Title 36 of the Code of Alabama 1975.

Section 15. (a) The principal proceeds derived from any borrowing made by an authority shall be used solely for the purpose or purposes for which the borrowing was authorized to be made. If any securities are issued for the purpose of financing costs of acquiring, constructing, improving, enlarging, and equipping a project, those costs shall be deemed to include the following:

- (1) The cost of any land forming a part of the project.

(2) The cost of the labor, materials, and supplies used in any construction, improvement, or enlargement, including architectural and engineering fees and the cost of preparing contract documents advertising for bids.

(3) The purchase price of, and the cost of installing, equipment for the project.

(4) The cost of landscaping the lands forming a part of the project and of constructing and installing roads, sidewalks, curbs, gutters, utilities, and parking facilities in connection therewith.

(5) Legal, accounting, publishing, printing, fiscal and recording fees, and expenses incurred in connection with the authorization, sale, and issuance of the securities issued in connection with the project; bond discount, commission, or other financing charges; fees and expenses of financial advisers and planning and management consultants; the cost of any feasibility studies deemed necessary or advisable in connection with the issuance and sale of the securities; the amount of any debt service reserve that the board deems necessary or advisable to be funded out of the proceeds from the sale of the securities; and any other expenses as shall be necessary or incident to the borrowing.

(6) Interest on the securities for a reasonable period prior to the commencement of the construction and equipment of the project, or of any improvements or additions being financed, in whole or in part, out of the proceeds from the sale of the securities, and during the period estimated to be required for the construction and equipment and for a period of not more than two years after the completion of the construction and equipment.

(7) The reimbursement to itself, or to its general fund or any one or more of its other funds, to any authorizing subdivision or other county or municipality, and to any other public agency, authority, or body, of any funds advanced, to, or for the benefit of, the authority or any projects owned by it, in anticipation of the issuance of securities by the authority, including the amount of any interest paid or incurred on any borrowings made for the purpose of obtaining funds to advance to, or for the benefit of, the authority or the project.

(8) The amount of such reserves for the payment of debt service on any securities and for the maintenance, repair, replacement, improvement, and enlargement of any of its projects and other properties as the board deems advisable.

(b) Any portion of the principal proceeds derived from any borrowing not needed for any of the purposes for which the borrowing was authorized to be made shall be applied and used:

(1) For retirement of the securities issued in evidence of the borrowing.

(2) For payment of the interest thereon.

(3) For payment into one or more special funds created for payment of principal or interest, or both, or for the creation of reserves for the payment of debt service, or for maintenance, repair, replacement, improvement, or enlargement of the project with respect to which the securities were issued.

(4) For any combination thereof, all as shall be specified in the indenture under which the securities are issued or in the resolution of the board authorizing any borrowing.

Section 16. All agreements and obligations undertaken, and all securities issued, by an authority shall be solely and exclusively an obligation of the authority and shall not create an obligation or debt of the state, any authorizing subdivision, or any other county or municipality within the meaning of any constitutional or statutory provision. The faith and credit of the state, any authorizing subdivision, or any other county or municipality shall never be pledged for the payment of any securities issued by an authority. The state, any authorizing subdivision, or any other county or municipality shall not be liable in any manner for the payment of the principal of, or interest on, any securities of an authority or for the performance of any pledge, mortgage, obligation, or agreement of any kind whatsoever that may be undertaken by an authority.

Section 17. Securities issued under this act are hereby made legal investments for savings banks and insurance companies organized under the laws of the state. Unless otherwise directed by the court having jurisdiction thereof or the document that is the source of authority, a trustee, executor, administrator, guardian, or one acting in any other fiduciary capacity may, in addition to any other investment powers conferred by law and with the exercise of reasonable business prudence, invest trust funds in securities of an authority. The governing body of any authorizing subdivision, or any county or municipality in which any project of an authority may be situated, may, in its discretion, invest in securities of the authority any idle or surplus money held in its treasury which is not otherwise earmarked or pledged.

Section 18. An authority shall be exempt from all laws of the state governing usury or prescribing or limiting interest rates, including, but without limitation to, Chapter 8 (commencing with Section 8-8-1) of Title 8 of the Code of Alabama 1975.

Section 19. Any resolution authorizing any securities under this act may contain a recital that they are issued pursuant to this

act, which recital shall be conclusive evidence that the securities have been duly authorized pursuant to this act, notwithstanding any other law now in force or hereafter enacted or amended. Upon the adoption by the board of any resolution providing for the issuance of securities, the authority may cause to be published once a week for two consecutive weeks in a newspaper published in the county in which the principal office of the authority is located, or, if there is no newspaper, then in a daily newspaper published in the state, a notice in substantially the following form, with any appropriate changes, to the extent applicable and with the blanks being properly filled in:

“ _____, a public corporation and instrumentality under the laws of the State of Alabama, has authorized the issuance of \$ _____ principal amount of securities of the said authority to be dated _____ for purposes authorized in Act No. ____ enacted at the _____ Regular Session of the Legislature of Alabama. Any action or proceeding questioning the validity of the securities, or the pledge [and any indenture] to secure the same, must be commenced within 20 days after the first publication of this notice.

By [here insert name of the Authority]

Chair of its Board of Directors

Any action or proceeding in any court to set aside or question the validity of the proceedings for the issuance of the securities referred to in the notice or to contest the validity of any securities, the validity of any pledge made therefor, or the validity of any indenture with respect thereto shall be commenced within 20 days after the first publication of the notice. After the expiration of that period, no right of action or defense questioning or attacking the validity of the proceedings, the securities, any pledge herein authorized, or any indenture shall be asserted, nor shall the validity of the proceedings, securities, pledge, or indenture be open to question in any court on any ground whatsoever except in an action commenced within that period.

Section 20. (a) To the extent permitted by the contracts of the authority with the holders of its securities and if not otherwise specifically prohibited by any other provision of this act, the authority may invest any portion of the principal proceeds derived from the sale of any of its securities which is not then needed for any of the purposes for which the securities were authorized to be issued, the moneys held in any special fund created pursuant to any resolution or indenture authorizing or securing any of its securities, and any other moneys of the authority not then needed by it, in any of the following:

(1) Federal securities.

(2) Any debt securities that are direct obligations of any agency of the United States of America.

(3) Interest-bearing bank time deposits and interest-bearing bank certificates of deposit.

(4) Money market funds whose investments are restricted to federal securities.

(5) Repurchase agreements with respect to federal securities.

(b) Any securities, time deposits, or certificates of deposit in which any investment is made may, at any time, and from time to time, be sold or otherwise converted into cash. The income derived from those investments shall be disbursed on order of the board for any purpose for which the authority may lawfully expend funds.

Section 21. All properties of an authority, whether real, personal, or mixed, and the income therefrom, all securities issued by an authority and the income therefrom, and all indentures and other instruments executed as security therefor, all leases made pursuant to this act and all revenues derived from such leases, and all deeds and other documents executed by or delivered to an authority shall be exempt from any and all taxation by the state, or by any county, municipality, or other political subdivision of the state, including, but without limitation to, license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an authority may engage. An authority shall not be obligated to pay or allow any fees, taxes, or costs to the judge of probate of any county in respect of its incorporation, the amendment of its certificate of incorporation, or the recording of any document. The gross proceeds of the sale of any property used in the construction and equipment of any project for an authority, regardless of whether the sale is to the authority or any contractor or agent thereof, shall be exempt from the sales tax imposed by Article 1 (commencing with Section 40-23-1) of Chapter 23 of Title 40 of the Code of Alabama 1975, and from all other sales and similar excise taxes now or hereafter levied on or with respect to the gross proceeds of any sale by the state or any county, municipality, or other political subdivision or instrumentality thereof. Any property used in the construction and equipment of any project for an Authority, regardless of whether the property has been purchased by the authority or any contractor or agent thereof, shall be exempt from the use tax imposed by Article 2 (commencing with Section 40-23-60) of Chapter 23 of Title 40 of the Code of Alabama 1975, and all other use and similar excise taxes now or hereafter levied on or with respect to any property by the state or any county, municipality, or other political subdivision or instrumentality of thereof.

Section 22. Articles 2 (commencing with Section 41-16-20) and 3 (commencing with Section 41-16-50) of Chapter 16 of Title 41 of the Code of Alabama 1975, shall not apply to any authority, the members of its board, or any of its officers or employees.

Section 23. An authority shall be a public corporation or authority and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm, or corporation, except that in the event the board shall determine that sufficient provision has been made for the full payment of the expenses, securities, and other obligations of the authority, then any portion, as determined by the board, of the net earnings of the authority thereafter accruing may, in the discretion of the board, be paid to one or more of its authorizing subdivisions.

Section 24. At any time when the authority does not have any securities outstanding, and when there shall be no other obligations assumed by the authority that are then outstanding, the board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the authority shall be dissolved. Upon the filing for record of a certified copy of the resolution in the office of the judge of probate of the county in which the certificate of incorporation of the authority was filed, the authority shall thereupon stand dissolved. In the event that the authority owned any assets or property at the time of its dissolution, the title to all its assets and property shall, subject to any constitutional provision to the contrary, vest in one or more counties or municipalities in such manner and interests as may be provided in the certificate of incorporation. If the certificate of incorporation contains no provision respecting the vesting of title to the assets and property of the authority, title to all assets and property shall, subject to any constitutional provision to the contrary, vest in its authorizing subdivisions as tenants in common.

Section 25. The formation or dissolution of one authority shall not prevent the subsequent incorporation of another authority pursuant to the authority granted by one or more of the same authorizing subdivisions.

Section 26. Any authority organized under this act shall, insofar as the subject matter of this act is concerned, be governed exclusively by this act, which shall not be construed *in pari materia* with any other statute.

Section 27. This act shall not be construed as a restriction or limitation upon any power, right, or remedy which any county, municipality, or public corporation now in existence or hereafter formed may have in the absence of this act. The provisions of this act are cumulative and shall not be deemed to repeal existing

laws, except to the extent those laws are clearly inconsistent with this act.

Section 28. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 29. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law. Notwithstanding the foregoing sentence, this bill shall terminate and its provisions shall become null and void unless a contract has been signed by the United States and an authority established pursuant to this act by December 31, 1994.

Approved February 11, 1993

Time: 4:22 P.M.

Act No. 93-2

S.J.R. 8 – Senator Corbett

SENATE JOINT RESOLUTION

DECLARING THE LEGISLATIVE INTENT REGARDING THE PASSAGE OF ACT NO. 90-560.

WHEREAS, the Legislature passed Act No. 90-560 during the 1990 Regular Session of the Legislature; and

WHEREAS, Section 1 of the act entitled any circuit clerk, who was appointed to the office prior to the beginning of the term of office, to purchase prior service credit toward supernumerary status retroactively to the beginning of the term upon satisfying the conditions prescribed in Section 12-17-144, Code of Alabama 1975, for purchasing the prior service credit; and

WHEREAS, it was the intent of the Legislature in providing for a circuit clerk to purchase the prior service credit described in Act No. 90-560 that it would be understood that a register of a circuit court who was appointed to the office prior to the beginning of the term of office also would be entitled to purchase prior service credit toward supernumerary status retroactively to the beginning of the term upon satisfying the conditions prescribed in Section 12-17-144, Code of Alabama 1975, for purchasing the prior service credit; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do declare

and specify to any court or governmental agency interpreting Act No. 90-560, now codified in Section 12-17-144.1, Code of Alabama 1975, that it was the intent of the Legislature that by operation of the act, a register of a circuit court is entitled to purchase the prior service credit toward supernumerary status described in the act.

BE IT FURTHER RESOLVED, That any governmental agency or court shall receive this resolution as positive evidence of the legislative intent in passing Act No. 90-560.

Approved February 16, 1993

Time: 12:30 P.M.

Act No. 93-3

H.J.R. 13 – Reps. Powell, Smith (C)

HOUSE JOINT RESOLUTION

INVITING COACH PAT DYE TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most cordially invite Coach Pat Dye to address a joint session of the Alabama Legislature at a time and date to be set at his convenience, and on which occasion the Alabama Senate and the Alabama House of Representatives will assemble in joint session in the State House to hear his remarks.

BE IT FURTHER RESOLVED, That Coach Dye be advised, by a copy of this resolution, of our invitation to address the Legislature and of our hopeful anticipation of his acceptance.

Approved February 16, 1993

Time: 4:00 P.M.

Act No. 93-4

H.J.R. 14 – Reps. Powell, Turnham, Smith (C)

HOUSE JOINT RESOLUTION

COMMENDING COACH PAT DYE ON HIS ILLUSTRIOUS CAREER AS HEAD COACH AT AUBURN UNIVERSITY.

WHEREAS, Patrick Fain "Pat" Dye came to Auburn as head coach in 1981 and, in only 12 short years, reshaped the Auburn football program into one of the finest in the nation; and

WHEREAS, under his astute leadership, his Auburn teams won 99 games, four Southeastern Conference Championships, including three in a row (1987-89), and played in nine bowl games; and

WHEREAS, his record of success in 19 years as a head coach, with an overall 153-62-5, ranked him as the winningest coach in the Southeastern Conference and eighth among the nation's active coaches in winning percentages; and

WHEREAS, additionally, under Coach Dye's tenure as athletic director (1981-92), Auburn experienced unprecedented expansion and improvement of athletic facilities and programs, as well as support and enrichment of the schools academic programs and pursuits; and

WHEREAS, over the years, Coach Dye has been the recipient of numerous athletic honors and distinctions including those received during his early years at Richmond Academy in Augusta, at the University of Georgia, and during his two and one-half years in the military; and

WHEREAS, he further is a three-time selection as SEC Coach of the Year (1983, 1987 and 1988), and was named National Coach of the Year in 1983 after his Auburn Tigers won the Sugar Bowl and finished third in the nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his outstanding career and accomplishments as athletic director and head coach at Auburn University, we hereby most highly commend Coach Pat Dye, for whom a copy of this resolution of sincere tribute shall be provided.

Approved February 16, 1993

Time: 4:01 P.M.

Act No. 93-5

H.J.R. 15 – Reps. Bugg, Smith (R)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JULIUS S. SWANN, JR., OF GADSDEN, ALABAMA.

WHEREAS, it is with profound sorrow and regret that the Alabama Legislature records the death of Judge Julius S. Swann, Jr., of Gadsden, Alabama, on September 4, 1992, at the early age of just 50 years; and

WHEREAS, Judge Julius Swann, who was first elected circuit judge in 1976, and had served as presiding judge of the 16th Judicial Circuit until January 1992, was in his third term in office at the time of his lamentable death; and

WHEREAS, a native and lifelong resident of Gadsden, and a member of the Episcopal Church of the Holy Comforter, Judge Swann was a graduate of Christ School, the University of the South, and the Vanderbilt School of Law; and

WHEREAS, Judge Swann, widely acknowledged as an astute jurist with a keen legal mind, was highly respected both within the community and throughout the state for his many contributions to the 16th Judicial Circuit; and

WHEREAS, open-minded and progressive, he played a vital role in the modernization of the Etowah County court system and it was under his direction that the system was computerized and a new jury docket system implemented—changes which resulted in widespread acclaim of the county's record in case dispositions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Judge Julius S. Swann, Jr., of Gadsden, Alabama, and extend deepest sympathy to his wife, Linda P. Swann; mother, Alma Nelle Swann; son, Seth Fennell Swann; daughter, Juliet Nicole Swann; stepchildren, Gene and Marcie Warren; and to other family members for whom a copy of this resolution shall be provided.

Approved February 16, 1993

Time: 4:02 P.M.

Act No. 93-6

H.J.R. 16 – Reps. Bugg, Smith (R)

HOUSE JOINT RESOLUTION

RECOGNIZING LINDA HOWINGTON OF GADSDEN, ALABAMA, FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, a native and lifelong resident of Gadsden, Alabama, Linda Howington, or Linda Howard as she is known best, is a widely renowned and successful authoress of fantasy and romantic fiction, whose novels range from tales of espionage and intrigue to sagas of the Wild West; and

WHEREAS, Linda Howington showed an affinity for writing at the early age of nine when she wrote her first historical romance; however, it was some 20 years later before her first novel was published and she began to produce such popular books as "Angel Creek," "Lady of the West," "MacKenzie's Mission," and her most recent, "The Touch of Fire"; and

WHEREAS, supported by avid and devoted fans, her books are eagerly awaited and in much demand; in 1990, her book "Duncan's Bride" was named best seller for "books in category" by B. Dalton and Waldenbooks, and indications are that others may soon follow; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Linda Howington of Gadsden, Alabama, in whose accomplishments we take great pride, and for whom a copy of this resolution shall be provided.

Approved February 16, 1993

Time: 4:03 P.M.

Act No. 93-7

H.J.R. 17 – Reps. Bugg, Smith (R)

HOUSE JOINT RESOLUTION

COMMENDING GERTIE M. LOWE OF JACKSONVILLE, ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama notes the selection of Gertie M. Lowe as Alabama's 1992 "Administrator of the Year" by the Alabama Nursing Home Administration; and

WHEREAS, Gertie Lowe, who has served as administrator of Wessex House since 1987, was chosen for the honor by a panel of her peers from throughout the state; and

WHEREAS, Mrs. Lowe, who began her nursing career shortly after graduating from the Good Samaritan Hospital School of Practical Nursing in 1955, received her B.S. degree in administration/human resources from the University of Alabama and was a cum laude graduate of Gadsden State School of Nursing; and

WHEREAS, in tribute to her many extraordinary accomplishments over the years, she was named to Who's Who for American

Health Professionals, and was honored by the Southern Christian Leadership Conference as one of the Top 100 Women in the State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, and as Alabama's 1992 "Administrator of the Year," we hereby most highly commend Gertie M. Lowe of Jacksonville, Alabama, for whom a copy of this resolution shall be provided.

Approved February 16, 1993

Time: 4:04 P.M.

Act No. 93-8

H.J.R. 12 – Reps. Freeman, Sanderford, Grayson, Haney, Butler, Hall, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry,

Perdue, Petelos, Poole,
Powell, Rich, Richardson,
Rockhold, Rogers (F),
Rogers (J), Sanderson,
Smith (C), Smith (R),
Spratt, Starkey, Thomas,
Turner, Turnham, Venable,
Walker, Warren, White,
Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING M. CARL ZIEMKE FOR DISTINGUISHED PROFESSIONAL ACHIEVEMENT AND SERVICE TO THE UNIVERSITY OF ALABAMA IN HUNTSVILLE.

WHEREAS, M. Carl Ziemke has had a long and distinguished career in the fields of transportation, alternate fuels, energy conservation, and technology transfer; and

WHEREAS, he graduated with a BS in mechanical engineering from the University of Tennessee in 1950 and a MS in management from the University of Alabama in Huntsville in 1981; and

WHEREAS, he is a registered professional engineer, serving as state president of the Alabama Society of Professional Engineers; and

WHEREAS, his honors and awards are numerous including Alabama Professional Engineer of the Year, Tau Beta Pi, U.S. DoE National Energy Awards, and U. S. patents; and

WHEREAS, his industrial career included ten years with Union Carbide as design and development engineer; two years with Pratt and Whitney as analytical designer; and twenty years with Chrysler as project engineer, engineering specialist, and finally section manager; and

WHEREAS, his academic career included six years with the University's Johnson Research Center as research scientist, two years as Director of the Alabama High Technology Assistance Center, and presently as research scientist with the Center for High Technology Management and Economic Research; and

WHEREAS, he was instrumental in the University receiving a multi-million dollar contract from the U.S. Department of Transportation for an Automotive Diagnostic Inspection Demonstration project and facility; and

WHEREAS, he has been most successful in acquiring significant governmental support for his research; and

WHEREAS, he has over fifty publications in journals and conference proceedings and over one hundred technical reports; and

WHEREAS, he has published extensively in such diverse and prestigious publications as Business Forum, Inventors Digest, Encyclopedia of Robotics, Sloan Management Review, Journal of Technology Transfer, American Society of Agricultural Engineers, and Society of Automotive Engineers; and

WHEREAS, he is blessed with a keen intellect and with unique writing talents, especially in concept formulation and proposal preparation; and

WHEREAS, he is a recognized leader in the transfer of technology from federal laboratories to manufacturing firms, having consulted with the U.S. DoE in new product development; and

WHEREAS, he has unique abilities, a sincere passion, and works tirelessly in transferring technology to Alabama industry, especially the apparel industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That we hereby most highly commend M. Carl Ziemke on his outstanding and distinguished research, academic, and industrial career.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Ziemke that he may know of our sincere praise of his outstanding career and of our desire for his continual support to the economic development of Alabama.

Approved February 16, 1993

Time: 4:05 P.M.

Act No. 93-9

H.J.R. 18 – Rep. Black (L)

HOUSE JOINT RESOLUTION

COMMENDING MR. AND MRS. JEFF MATTHEWS ON THE OCCASION OF THEIR 60TH WEDDING ANNIVERSARY.

WHEREAS, The Alabama Legislature notes with great pleasure the 60th Wedding Anniversary on December 26, 1992, of Mr. and Mrs. Jeff Matthews of Coatopa, Alabama; and

WHEREAS, in celebration of this happy and momentous occasion, family and friends gathered for a reception in their honor, and a ceremony was held in which family members joined with them in renewing their wedding vows; and

WHEREAS, Jeff and Dora B. Matthews, who were married on December 26, 1932, are faithful and active members of the Mt. Tabor Missionary Church where Mrs. Matthews has served as assistant secretary, president of the Missionary Society and Sunday School teacher, and Mr. Matthews is a deacon and treasurer; and

WHEREAS, this happy couple continues to enjoy life to the fullest, rejoicing in the love of their five children, fifteen grandchildren and twenty-one great-grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of their 60th Wedding Anniversary, we hereby extend heartiest congratulations to Mr. and Mrs. Jeff Matthews of Coatopa, Alabama, and do further direct that they receive a copy of this resolution with sincere best wishes for continued good health and happiness in life.

Approved February 16, 1993

Time: 4:06 P.M.

Act No. 93-10

H.J.R. 25 – Rep. Mathis

HOUSE JOINT RESOLUTION

COMMENDING J. W. PEACOCK OF GENEVA, ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama notes the selection of J. W. Peacock as the 1992 “Father of the Year” by the Geneva Cattlemen’s Association; and

WHEREAS, J. W. Peacock who bought his 63-acre farm in 1954 when he acquired his first Santa Gertrudis bull, now owns 220 acres and 200 brood cows, the largest natural polled Santa Gertrudis herd in the Southeastern United States; and

WHEREAS, as an enhancement to his cattle business, Mr. Peacock manages a broiler feed-out operation and currently feeds out some 685,000 chicks per year for chicken processing companies; he also raises and trains quarterhorses, and is the recipient of the 1965 Novice Award in Dothan for cutting horses, and was honored in 1991 as Poultry Farmer of the Year by the Chamber of Commerce; and

WHEREAS, further, Mr. Peacock serves on the boards of directors of the Cattlemen's Association and for the Young Farmers in Hartford, and is actively involved in the Young Farmers Organization and FFA; and

WHEREAS, a retired master sergeant in the Air Force, he served 7 years on active duty and 35 years in the Air National Guard, during which time he helped to organize the 115th Tactical Control Group at Dothan; and

WHEREAS, Mr. Peacock and his wife, Betty, are the parents of two grown children whom they reared on the farm; their son Cornel teaches school in Newton, and daughter, Denise, works with CIBA at Fort Rucker; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and as the 1992 "Father of the Year," we hereby most highly commend J. W. Peacock of Geneva, Alabama, for whom a copy of this resolution shall be provided.

Approved February 16, 1993

Time: 4:07 P.M.

Act No. 93-11

H.J.R. 27 – Reps. Drake, Cagle, Parker (T),
Layson, Poole, Melton,
Rogers (J)

HOUSE JOINT RESOLUTION

COMMENDING COACH GENE STALLINGS AND THE UNIVERSITY OF ALABAMA FOOTBALL TEAM, AND INVITING COACH STALLINGS TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

WHEREAS, in claiming the 1992 National Football Championship with a 34-14 defeat of the Miami Hurricanes, Coach Gene Stallings and the Crimson Tide have brought great fame and honor to the State of Alabama; and

WHEREAS, Coach Stallings also led the Tide to its 20th Southeastern Conference Championship, 28-21 over the University of Florida, in the inaugural SEC Championship game; and

WHEREAS, in the Centennial year of football at the University of Alabama, the Crimson Tide completed the season untied and undefeated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate Head Coach Gene Stallings and the Crimson Tide on the 1992 National Championship, the 12th National Title for the University of Alabama.

BE IT FURTHER RESOLVED, That we hereby invite Coach Stallings to address the Legislature, at a time and date to be determined at his convenience, at which time the House of Representatives and the Senate will convene in joint session to hear Coach Stallings' remarks.

BE IT FURTHER RESOLVED, That Coach Stallings be advised, by copy of this resolution, of our invitation and our hopeful anticipation of his acceptance.

Approved February 16, 1993

Time: 4:08 P.M.

Act No. 93-12

H.J.R. 29 – Rep. Gaston

HOUSE JOINT RESOLUTION

COMMENDING RONALD L. PIERCE OF MOBILE, ALABAMA, FOR DISTINGUISHED PUBLIC SERVICE.

WHEREAS, Ronald Pierce, pastor of Trinity Presbyterian Church in Mobile since 1985, is a graduate of Vigor High School, and of Mobile College where he was a charter member of Phi Alpha Theta; he received his Master of Divinity from Reformed Theological Seminary in Jackson, Mississippi, and was ordained in the Evangelical Presbyterian Church in 1986; and

WHEREAS, prior to assuming his present position at Trinity Presbyterian Church, Mr. Pierce served other pastorates in Arkansas, Louisiana, Mississippi, and Alabama; and

WHEREAS, Mr. Pierce, who currently serves as a member of the Board of Intercessors for Mobile, has also served on the Ministerial Committee and the Committee on Theology; and

WHEREAS, additionally, he is a member of the Board of Directors for Semmes Youth Baseball, has served on the Board for Dixie Youth Baseball, and as a member and past chair (1990-1991) of the Protection and Advocacy Advisory Committee of Searcy Hospital; and

WHEREAS, a veteran of the United States Air Force, Mr. Pierce was decorated for service during the Cuban Crisis and the Vietnam War, and received the Department of the Army Achievement Medal and Commendation Medal for service during Operation Desert Shield/Desert Storm; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions and service to the ministry, the Mobile community, and his country, we hereby most highly commend Ronald L. Pierce of Mobile, Alabama, for whom a copy of this resolution of sincere tribute shall be provided.

Approved February 16, 1993

Time: 4:09 P.M.

Act No. 93-13

H.J.R. 30 – Reps. Gaston, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING HILDA BELLINGER GEWIN OF MOBILE, ALABAMA.

WHEREAS, it is with highest commendation that the Legislature of Alabama recognizes the many outstanding contributions of Hilda Bellinger Gewin of Mobile, Alabama; and

WHEREAS, Hilda Gewin, member of a well-known New England family and the wife of Henry Gewin, a prominent physician, attended the public schools of New Haven, Connecticut, received a degree from Vassar College and, following graduation, worked at Yale University Library; and

WHEREAS, Mrs. Gewin, a longtime resident of Mobile, has given generously of her time and talents in service to the community; between 1987 and 1989, as a member and later as chairman of the Searcy Hospital Rights Protection and Advocacy Advisory Committee, she played a vital role in forming committee bylaws and in instituting the committee's Humanitarian Foundation; and

WHEREAS, she also was instrumental in the growth and expansion of the hospital itself, contributing greatly to such achievements as the new residential unit, the Monte L. Moorer Recreational Center, and the Claudette Box Nursing Facility; and

WHEREAS, Mrs. Gewin, who was honored as a Life Member in the Women of Spring Hill Presbyterian Church in 1961, has

provided further service as an active member of numerous civic, community, and cultural organizations, including the Shakespeare Club, Opera Guild, Junior League, Mental Health Association, and the Mobile Alliance for the Mentally Ill; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions and service to the Mobile community, we hereby most highly commend Hilda Bellinger Gewin, for whom a copy of this resolution of sincere tribute shall be provided.

Approved February 16, 1993

Time: 4:10 P.M.

Act No. 93-14

H.J.R. 31 – Rep. Clay

HOUSE JOINT RESOLUTION

DESIGNATING “ALABAMA TRIO DAY” IN THE STATE OF ALABAMA.

WHEREAS, the name TRIO was established in 1960 from three special programs for students from disadvantaged backgrounds – Upward Bound, Talent Search, and Special Services for Disadvantaged Students; to these federally funded programs have been added Educational Opportunity Centers, Student Support Services, Ronald E. McNair Post-Baccalaureate Achievement Programs, and Training Programs for Staff and Leadership Personnel; and

WHEREAS, the primary purpose of the TRIO program is to prepare disadvantaged persons for successful entry, retention and completion of post-secondary education by identifying students who show potential for success and providing them with encouragement, support and assistance; and

WHEREAS, TRIO programs are designed to improve academic performance, increase student motivation, and facilitate transition from one level of education to the next, and the majority of participants must be identified as low-income, first-generation college students; and

WHEREAS, National TRIO Day, as established by Congress, is celebrated annually, nationwide, and will be observed in Alabama this year on February 27th in Talladega with a parade, special programs, and other recognitions of the importance of equality of opportunity in education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in support of National TRIO Day, we hereby name and designate February 27, 1993, as Alabama TRIO Day, and do further urge that appropriate ceremonies and events be scheduled throughout the state to commemorate this important occasion.

Approved February 16, 1993

Time: 4:11 P.M.

Act No. 93-15

H.J.R. 32 – Reps. McDaniel, Sanderford,
Hill, Knight, Harvey

HOUSE JOINT RESOLUTION

DESIGNATING MAY 1993 AS THE “MOTORCYCLE SAFETY AND AWARENESS MONTH.”

WHEREAS, safety is the highest priority for the highways and streets of our state and it is important that all drivers in our state learn and practice safe, responsible driving habits; and

WHEREAS, motorcycles are a popular form of transportation for recreational and commuter use that reduce fuel consumption and contribute in a significant way to the reduction of traffic congestion and pollution of the earth’s atmosphere; and

WHEREAS, it is especially important that the drivers in our state be aware of motorcyclists traveling the streets and highways and recognize the importance of safety by motorists and motorcyclists; and

WHEREAS, all motorcyclists, motorcycle organizations, groups, clubs, dealerships, safety institutions, highway safety officials and state officials should join in actively promoting the safe operation of motorcycles through public awareness, increased training for drivers and riders, and improved licensing procedures for motorcycles; and

WHEREAS, during the month of May, all highway users should unite in the safe sharing of the roadways throughout the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the month of May 1993 is declared to be “Motorcycle Safety and Awareness Month” in the State of Alabama.

BE IT FURTHER RESOLVED, That all motor vehicle operators are urged to join in an effort to improve safety and awareness

on our highways, and the Department of Public Safety and Department of Education are requested to promote motorcycle safety and awareness through the use of appropriate resources, media, and other means available.

RESOLVED FURTHER, That a copy of this resolution be sent to the Department of Public Safety and the Department of Education.

Approved February 16, 1993

Time: 4:12 P.M.

Act No. 93-16

H.J.R. 53 – Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, February 4, 1993, they adjourn to meet again on Tuesday, February 9, 1993.

Approved February 16, 1993

Time: 4:13 P.M.

Act No. 93-17

H.J.R. 55 – Rep. Turnham

HOUSE JOINT RESOLUTION

COMMENDING NEIL O. DAVIS OF AUBURN, ALABAMA, FOR EXTRAORDINARY SERVICE TO THE PRESBYTERIAN COMMUNITY MINISTRY.

WHEREAS, Presbyterian Community Ministry (PCM) was organized in 1969 to conduct a “ministry of compassion” in Auburn and Lee County, Alabama, with emphasis on improving the residential housing of the poor; and

WHEREAS, PCM which has distributed \$1.25 million since its inception, has helped to build 115 houses, while over 200 houses have been re-roofed, and plumbing installed in 300 houses; and

WHEREAS, PCM also has assisted hundreds of families to forestall eviction, maintain utility services, and meet an assortment of emergencies, most of which affect housing; and

WHEREAS, Neil O. Davis, who was a founding member of PCM, has served on the Board of Directors and as Treasurer from its beginning, and over the course of these 24 years, has devoted

his time, energy, and resources to the establishment, development, and nurturing of PCM, and continues to be a strong guiding force in the ministry's direction and operation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his continuing leadership and guidance of the Presbyterian Community Ministry in Auburn and Lee Counties, Alabama, we hereby most highly commend Mr. Neil O. Davis, and direct that he receive a copy of this resolution, which has been executed in sincere praise of his on-going contributions to PCM and, thereby, on behalf of the poor and needy.

Approved February 16, 1993

Time: 4:14 P.M.

Act No. 93-18

H.J.R. 59 – Reps. Turnham, Willis, Crow, Walker, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell,

Rich, Richardson, Rockhold,
 Rogers (F), Rogers (J),
 Sanderford, Sanderson,
 Smith (C), Smith (R), Spratt,
 Starkey, Thomas, Turner,
 Venable, Warren, White,
 Williams, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MARY ELBA CAMPBELL OF ANNISTON, ALABAMA.

WHEREAS, it is with great personal sorrow that the Legislature of Alabama records the lamentable death of Mary Elba Campbell of Anniston, Alabama, on January 27, 1993; and

WHEREAS, Mrs. Campbell, a longtime educator and a faithful member of the First United Methodist Church, was a beloved member of the community whose most treasured gifts to her family were her love, encouragement and support, and to her neighbors, she was a dear and loyal friend; and

WHEREAS, she was the loving wife of James T. Campbell, and is survived also by two daughters, Mrs. Sarah Roton and Mrs. Susan Bell; by her sons, Donald E. Campbell, and our friend and colleague, James Marshall Campbell; and by eleven grandchildren; and

WHEREAS, Mrs. Mary Elba Campbell was indeed a warm and gracious lady who gave both willingly and generously to others, bringing great happiness and joy into their lives, and her death has left an unfathomable void in the hearts of all those privileged to her loving care and her consideration for their well-being; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein grievously record the death of Mary Elba Campbell of Anniston, Alabama, and direct that copies of this resolution be provided for her family, that they may know of our concern, and that we sincerely share the sorrow of their loss.

Approved February 16, 1993

Time: 4:15 P.M.

WHEREAS, the Honorable Tom Bevill represents both Franklin County and Lawrence County in the United States Congress; and

WHEREAS, Congressman Bevill, during his tenure in office, has demonstrated and continues to exhibit his personal dedication to promote and assure economic, social and educational development within his congressional district; and

WHEREAS, to this end, Tom Bevill has faithfully served his constituency, thereby greatly contributing to the betterment and well-being of the residents of the Fourth Congressional District and to all Alabamians, as well; and

WHEREAS, most recently, Mr. Bevill has secured federal funding for the construction of Highway 24 (Corridor V) between Russellville in Franklin County and Moulton in Lawrence County; and

WHEREAS, for his longtime and on-going endeavors on their behalf, Congressman Bevill is held in the highest possible regard by the people of Franklin and Lawrence Counties who desire that their appreciation be publicly acknowledged and their gratitude made known in a lasting and appropriate manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon completion, Highway 24, or Corridor V, between Russellville in Franklin County and Moulton in Lawrence County shall be named, designated and forever known as the "Tom Bevill Highway."

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers designating said "Tom Bevill Highway."

RESOLVED FURTHER, That a copy of this resolution be provided for presentation to Congressman Bevill as a memento of this honorary designation by the Alabama Legislature.

Approved February 16, 1993

Time: 4:16 P.M.

Act No. 93-20

H.J.R. 61 – Rep. Layson

HOUSE JOINT RESOLUTION

DESIGNATING STATE HIGHWAY 14 IN PICKENS COUNTY, ALABAMA, AS THE "JAMES MCCRORY MEMORIAL HIGHWAY."

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in memory of

George Washington's lifeguard, as a bodyguard was formerly known, James McCrory, whose final resting place is in Pickens County, Alabama, in close proximity to State Highway 14, we name and designate State Highway 14, located in Pickens County, from the Mississippi State Line to the Greene County Line as the "James McCrory Memorial Highway."

BE IT FURTHER RESOLVED, That the proper officials shall erect and maintain appropriate signs and markers, so designating that highway portion as "James McCrory Memorial Highway."

Approved February 16, 1993

Time: 4:17 P.M.

Act No. 93-21

S.J.R. 4 – Senators Langford and Corbett

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JOHN LEE BUSKEY OF MONTGOMERY, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the death of John Lee Buskey of Montgomery, Alabama, December 3, 1992, at the age of 54 years; and

WHEREAS, Mr. Buskey, a member for nine years of the Alabama House of Representatives, was known statewide for his significant and positive impact, not only upon state government, but also public education, as well as civic, religious, and community affairs; and

WHEREAS, the Director of Library and Learning Resources at his Alma Mater, Alabama State University, Mr. Buskey also earned a M.S. degree from Atlanta University, and was affiliated with a number of professional associations; and

WHEREAS, he further was a member and held leadership positions with such organizations as the Alabama Democratic Caucus, Council of Deans, ASU Faculty Senate, and NAACP, among others, and was Moderator of Montgomery's First Congregational Christian Church; and

WHEREAS, John Buskey, survived by his wife, Essie, also leaves two daughters, Janet and Susan; a son, John; parents, the Reverend and Mrs. Charles Buskey, Sr.; brothers, James, Charles, Jr., and Martin Buskey; sisters, Wanda B. King and Joyce B. Royal; and other family members; and

WHEREAS, John L. Buskey was one of Alabama's most prominent citizens whose contributions were of incalculable worth; although a quiet and unassuming man, he was a man of great substance and effectiveness, and one whose many accomplishments earned him the highest regard of all those whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of John L. Buskey of Montgomery, Alabama, and do hereby direct that a copy of this resolution be provided for his loving wife, Mrs. Essie Buskey.

Approved February 16, 1993

Time: 4:20 P.M.

Act No. 93-22

S.J.R. 5 – Senators deGraffenried, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, B. Smith, J. Smith, Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MARY GENE DUNWODY BAILEY OF MONTGOMERY, ALABAMA.

WHEREAS, it is with profound sorrow and regret that the Alabama Legislature records the untimely death of Mary Gene Dunwody Bailey of Montgomery, Alabama, on January 14, 1993; and

WHEREAS, a native of Montgomery and the daughter of the late Richard and Clara Farris Dunwody, Mary Gene Bailey attended Mary Washington College and graduated from the University of Alabama, where she was a member of Kappa Delta, and which she later served as vice president of the University of Alabama Alumni Association; she was the wife of George F. (Bubber) Bailey, a former colleague in the Alabama House of Representatives, and a close, personal friend to many members of the Legislature; and

WHEREAS, Mrs. Bailey, whose extraordinary talent as an accomplished writer, artist, designer, and decorator was widely acknowledged and admired, also was a very caring person whose

concern for her family, friends, and the community was reflected daily through her many endeavors on their behalf; and

WHEREAS, over the years, she was active in support of her children's schools, and was most especially dedicated in service to the First United Methodist Church of Montgomery; she was a member and past president of the Montgomery Civic Ballet, a member of the National Society of the Daughters of the American Revolution and the National Society of Daughters of the American Colonies, former historian for the Antiquarian Society, and past secretary of the Junior League and editor of the League Log, among numerous other positions of civic and community leadership; and

WHEREAS, Mary Gene Bailey was a devoted Christian of deep and abiding faith, whose generosity of heart and spirit greatly brightened the lives of her beloved family and many, many friends, all of whom are sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn her death, we give thanks for the life of Mary Gene Dunwoody Bailey, and extend our very deepest sympathy to her husband, Bubber Bailey; to their children, Linda Farris Bailey McLemore, George Forrest Bailey, III, and Richard Dunwoody Bailey; and to their five grandchildren, whose sorrow we sincerely share and for whom copies of this resolution shall be provided.

Approved February 16, 1993

Time: 4:21 P.M.

Act No. 93-23

S.J.R. 6 – Senators deGraffenried, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, B. Smith, J. Smith, Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

CONGRATULATING THE UNIVERSITY OF ALABAMA ON THE 1992 NATIONAL FOOTBALL CHAMPIONSHIP.

WHEREAS, in replying to critics who called them a one-dimensional team, the Alabama Crimson Tide turned the Sugar Bowl into a three-dimensional New Year's rout, 34-13 over the top-ranked, favored-to-win Miami Hurricanes; and

WHEREAS, the Tide's defense, offense and specialty teams, playing "Yea, Alabama" in stereo, raised "Cane" with Miami, turning them "every which way but loose," to capture a number-one ranking in all four national polls; and

WHEREAS, with its spectacular season — a 13-0 record, the SEC Crown determined for the first time by a division playoff game, the National Title, and the nation's longest winning streak, 23 in-a-row — the Crimson Tide has soared to the summit of college football, placing the University and Alabama in the spotlight of fame; and

WHEREAS, Tide Pride is indeed a prevailing sentiment, statewide, and within the SEC, considered by many to be the toughest conference in the country and a judgment reinforced in '92 with six of its teams ranked nationally and five SEC bowl victories; and

WHEREAS, Coach-of-the-Year Gene Stallings, Assistant Coaches Bill Oliver and Mal Moore, Bama's entire coaching staff, and our 1992 National Champions, each and every one, deserve highest acclaim for a phenomenal season that ended with the Sugar Bowl painted Bama Crimson and White; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That heartiest congratulations are hereby extended to the Alabama Crimson Tide on the 1992 National Football Championship, and it is further directed that copies of this resolution be prepared for appropriate presentation and display at the University of Alabama.

Approved February 16, 1993

Time: 4:23 P.M.

Act No. 93 24

S.J.R. 7 – Senator Campbell

SENATE JOINT RESOLUTION

RECOGNIZING THE OUTSTANDING CONTRIBUTIONS OF DAN AND VERA HURST OF DECATUR, ALABAMA.

WHEREAS, the formal dedication of Cedar Ridge School in Decatur, Alabama, which was held November 22, 1992, was

attended by distinguished district legislative representatives and city council members, with the Honorable James Hurst, President of the Decatur City Board of Education, presiding; and

WHEREAS, honored at the ceremony were Dan and Vera Hurst, who, over 30 years ago, had the vision and the foresight to imagine that one day such a school would be needed, and had generously given 15 acres of their 25-acre woodland to the Decatur City Board of Education; and

WHEREAS, also, on this momentous occasion, the Dan and Vera Hurst Library was dedicated to the honor of Vera Hurst, and to the memory of Dan Hurst who passed away on June 22, 1987; and

WHEREAS, Dan Hurst, a native of Hatton, Alabama, and a longtime resident of Decatur, graduated from Riverside High School and worked at Wells Hosiery Mill, in addition to becoming a successful farmer and homebuilder, and he and the former Vera Wright were married on December 23, 1929; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions to their community and to education in our State, highest honor and tribute are hereby bestowed upon Vera Wright Hurst and the late Dan Hurst of Decatur, Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mrs. Hurst, and a copy also prepared for presentation to Board of Education President James Hurst for appropriate display.

Approved February 16, 1993

Time: 4:24 P.M.

Act No. 93-25

S.J.R. 9 – Senators Bedsole, Windom,
Figures and Lipscomb

SENATE JOINT RESOLUTION

COMMENDING MARGIE SUMLIN OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama most highly commends Margie Sumlin of Mobile, Alabama, on her recognition by President George Bush as a "Daily Point of Light" for her many significant contributions as a volunteer worker at Wilmer Hall

Children's Home in Mobile, where she serves as special education coordinator; and

WHEREAS, the art therapy program for those children at Wilmer Hall who are unable to attend regular school was designed and implemented by Mrs. Sumlin who not only conducts classes in arts and crafts, but also arranges for the students' work to be sold at church bazaars, and at the Wilmer Hall open house, with proceeds allocated to fund the program; and

WHEREAS, she also arranges and accompanies the children on special field trips to broaden their learning opportunities and to help provide them with a "social" life outside the home such as that experienced by normal teenagers; and

WHEREAS, Mrs. Sumlin is indeed a "Daily Point of Light" for the many children she has loved, tutored, and counseled as a dedicated and caring volunteer, whose tireless efforts have now been publicly recognized by President Bush; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding volunteer service to others, and as the recipient of the presidential "Daily Point of Light" award, we hereby most highly commend Mrs. Margie Sumlin of Mobile, Alabama, for whom a copy of this resolution of sincere appreciation and praise shall be provided.

Approved February 16, 1993

Time: 4:25 P.M.

Act No. 93-26

S.J.R. 10 – Senators Parsons, Horn, Bennett,
Waggoner and Amari

SENATE JOINT RESOLUTION

DESIGNATING THE ALABAMA THEATRE FOR THE PERFORMING ARTS AS THE STATE HISTORIC THEATRE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate The Alabama Theatre for the Performing Arts as the official State Historic Theatre for the State of Alabama, and do further authorize the proper officials to erect and maintain appropriate signs and markers that reflect this action of the Legislature.

Approved February 16, 1993

Time: 4:26 P.M.

Act No. 93-27

H.J.R. 57 – Rep. Black (L)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. MAMIE BROWN OF
WARD, ALABAMA.

WHEREAS, it is with deep sorrow and regret that the Alabama Legislature records the death of Mrs. Mamie Brown of Ward, Alabama, in Sumter County, on February 1, 1993, at the age of 104 years; and

WHEREAS, Mrs. Mamie Brown, who was born October 27, 1888, was a much beloved member of the Ward community, and was the loving and devoted mother of thirteen children, five of whom preceded her in death; and

WHEREAS, a faithful member of Pine Grove Baptist Church, she was indeed a noble lady whose life stood as a testament to her deep and abiding faith, and she will be sorely missed by all who were touched by her warm and gentle presence; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn her death, we give thanks for the life of Mrs. Mamie Brown of Ward, Alabama, and extend our deepest and most heartfelt sympathy to each member of her family, for whom a copy of this resolution of sincere condolence shall be provided.

This Act became a law under Section 125 of the Constitution on February 17, 1993 without approval by the Governor.

Act No. 93-28

H.J.R. 7 – Reps. White, Morrow, Anderson,
Barnes, Beasley, Biddle,
Black (L), Black (M), Blakeney,
Bowling, Box, Bryant, Bugg,
Burke, Buskey, Butler, Cagle,
Campbell, Carns, Carothers,
Carter, Clark (J), Clark (W),
Clay, Collins, Cosby, Crow,
Cullins, Curry, Dolbare, Drake,
Escott-Russell, Flowers, Ford,
Freeman, Fuller, Gaines,
Gaston, Goodwin, Grayson,
Gullatt, Hall, Hamilton,
Hammett, Haney, Harper,

Harvey, Hawkins, Haynes,
 Higginbotham, Hill, Hogan,
 Holladay, Holley, Holmes,
 Hooper, Johnson, Kennedy,
 Knight (A), Kvalheim, Laird,
 Layson, Letson, Lindsey,
 Mathis, McClain, McDaniel,
 McDowell, McKee, McMillan,
 Melton, Mikell, Millican,
 Morton, Newton (C), Newton (D),
 Parker (P), Parker (T), Payne,
 Penry, Perdue, Petelos, Poole,
 Powell, Rich, Richardson,
 Rockhold, Rogers (F),
 Rogers (J), Sanderford,
 Sanderson, Smith (C),
 Smith (R), Spratt, Starkey,
 Thomas, Turner, Turnham,
 Venable, Walker, Warren,
 Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING ALABAMA NATIVE, SONNY JAMES, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with great pride and pleasure that the Alabama Legislature recognizes the distinguished recording career and accomplishments of Sonny James, a native of Hackleburg, Alabama, and a world-renowned country music star; and

WHEREAS, a 1987 inductee into the Alabama Music Hall of Fame, Sonny James first took "center stage" at the age of three as a member of The Lodens, his family's band that achieved widespread recognition in the South through radio programs and personal appearances; and

WHEREAS, Sonny James returned to performing following military service in Korea, signed a contract with Capitol Records, and his first multi-million record, "Young Love," was the beginning of 20 consecutive number-one recordings, a feat that remained unsurpassed until 1988; and

WHEREAS, other of Mr. James' achievements include the distinction of being the first country artist to cross over to the top of the Pop Charts, with "Young Love"; numerous selections as "Top Male Country Singles Artist"; Male Artist of the Decade for the 1960's; and first country recording artist honored in the Hollywood Walk of Fame; and

WHEREAS, he further was co-host, in 1967, of the first CMA Awards Show; appeared frequently on nationally televised shows hosted by such luminaries as Ed Sullivan, Bob Hope and Red Foley; and through countless other achievements, brought fame and honor to himself and to the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend recording artist, Sonny James, a beloved native son in whom we are justly proud and for whom a copy of this resolution of sincere tribute shall be provided.

Approved February 18, 1993

Time: 3:30 P.M.

Act No. 93-29

H.J.R. 9 – Reps. Perdue, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Petelos, Poole, Powell, Rich, Richardson, Rockhold,

Rogers (F), Rogers (J),
 Sanderford, Sanderson,
 Smith (C), Smith (R), Spratt,
 Starkey, Thomas, Turner,
 Turnham, Venable, Walker,
 Warren, White, Williams, Willis,
 Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JOHN LEE BUSKEY OF MONTGOMERY, ALABAMA.

WHEREAS, a devastating tragedy for his family and herein recorded with great, personal grief, is the death of John Lee Buskey of Montgomery, Alabama, December 3, 1992, at the age of 54 years; and

WHEREAS, Mr. Buskey, a member of the Alabama House of Representatives since November 1983, was known statewide for his significant and positive impact, not only upon state government, but also in the field of public education, as well as civic, religious, and community affairs; and

WHEREAS, the Director of Library and Learning Resources at his Alma Mater, Alabama State University where he earned his B.S. degree, Mr. Buskey also received the M.S. degree from Atlanta University, and was affiliated as a member and in leadership capacities with a number of professional associations; and

WHEREAS, he further was a member and held leadership positions with such organizations as the Alabama Democratic Caucus, Council of Deans, ASU Faculty Senate, and NAACP, among others, and was Moderator of Montgomery's First Congregational Christian Church; and

WHEREAS, John Buskey, survived by his wife, Essie, also leaves two daughters, Janet and Susan; a son, John; his parents, the Reverend and Mrs. Charles Buskey, Sr.; brothers, James, Charles, Jr., and Martin Buskey; sisters, Wanda B. King and Joyce B. Royal; and other family members, all of whom are sorely bereft in their great and grievous loss; and

WHEREAS, John L. Buskey was indeed one of Alabama's most prominent citizens whose contributions were of incalculable worth; although a quiet and unassuming man, he was a man of great substance and effectiveness, and one whose many accomplishments earned him the highest regard of all those whose lives he touched and, most especially, the affection and esteem of his fellow members of the Alabama Black Caucus; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of our friend and colleague, John L. Buskey of Montgomery, Alabama, and do further direct that a copy of this resolution be provided for his wife, Mrs. Essie Buskey, that she may know we sincerely share the sorrow of her family's loss, and the loss to our state of a distinguished statesman and a beloved native son.

Approved February 18, 1993

Time: 3:31 P.M.

Act No. 93-30

H.J.R. 21 – Reps. Layson, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker,

Warren, White, Williams, Willis,
Zoghby

HOUSE JOINT RESOLUTION

DESIGNATING THURSDAY, MAY 6, 1993, AND THE FIRST THURSDAY OF EACH MAY, AS ALABAMA DAY OF PRAYER.

WHEREAS, the first Thursday of May has been designated as the National Day of Prayer to pray for the people of our nation and the rest of this world; and

WHEREAS, we know that in these last days perilous times have come in the form of wars and rumors of wars of nation against nation as well as unprecedented violent crime, drug trafficking, illegal gang activity, moral depravity, incurable communicable disease, and famine; and

WHEREAS, 2nd Chronicles 7:14 states that "If my people who are called by my name will humble themselves and pray and seek my face and turn from their wicked ways, then will I hear from heaven and forgive their sin and will heal their land"; and

WHEREAS, we know that although perilous times may have come, we also know that God's word shall not return unto Him void but it shall accomplish that which He pleases and prosper the people to whom He sends it; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby designate the first Thursday of May, May 6, 1993, to be Alabama Day of Prayer so that His beloved people in Alabama who are called by His name may individually and collectively come together in the Spirit and humble themselves and seek His face and pray His word back to Him, praying for repentance and for a great outpouring of His Spirit and for His grace, mercy, salvation, healing, blessings, and peace upon the people of this state, nation, and world.

BE IT FURTHER RESOLVED, That commencing 1994 and each year thereafter the first Thursday of May shall be designated the Alabama Day of Prayer.

Approved February 18, 1993

Time: 3:32 P.M.

Act No. 93-31

H.J.R. 33 – Reps. Campbell, Anderson, Barnes,
Beasley, Biddle, Black (L),
Black (M), Blakeney, Bowling, Box,
Bryant, Bugg, Burke, Buskey,

Butler, Cagle, Carns, Carothers,
 Carter, Clark (J), Clark (W), Clay,
 Collins, Cosby, Crow, Cullins,
 Curry, Dolbare, Drake, Escott-
 Russell, Flowers, Ford, Freeman,
 Fuller, Gaines, Gaston, Goodwin,
 Grayson, Gullatt, Hall, Hamilton,
 Hammett, Haney, Harper, Harvey,
 Hawkins, Haynes, Higginbotham,
 Hill, Hogan, Holladay, Holley,
 Holmes, Hooper, Johnson,
 Kennedy, Knight (A), Kvalheim,
 Laird, Layson, Letson, Lindsey,
 Mathis, McClain, McDaniel,
 McDowell, McKee, McMillan,
 Melton, Mikell, Millican, Morrow,
 Morton, Newton (C), Newton (D),
 Parker (P), Parker (T), Payne,
 Penry, Perdue, Petelos, Poole,
 Powell, Rich, Richardson,
 Rockhold, Rogers (F), Rogers (J),
 Sanderford, Sanderson, Smith (C),
 Smith (R), Spratt, Starkey,
 Thomas, Turner, Turnham,
 Venable, Walker, Warren, White,
 Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

INVITING CONGRESSMAN TOM BEVILL TO ADDRESS A
 JOINT SESSION OF THE ALABAMA LEGISLATURE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
 BOTH HOUSES THEREOF CONCURRING, That we hereby
 request Congressman Tom Bevill address the Alabama Legislature
 on February 23, 1993, at 1:30 p.m., and that we convene in joint
 session at that hour to hear his remarks concerning the five
 Advance Technology Centers being built across the state through a
 cooperative state and federal program and the effect the centers
 will have on the future development of the state, training of the
 workforce, and the attraction of new industry and jobs.

BE IT FURTHER RESOLVED, That Congressman Bevill be
 advised, by copy of this resolution, of our invitation to address the
 Legislature and our hopeful anticipation of his acceptance.

Approved February 18, 1993

Time: 3:33 P.M.

Act No. 93-32

H.J.R. 64 – Reps. Knight (A), Hill

HOUSE JOINT RESOLUTION

COMMENDING ERIC CHRISTOPHER CROWE UPON HIS ACHIEVEMENT OF THE RANK OF EAGLE SCOUT.

WHEREAS, Eric Christopher Crowe of Birmingham was recently recognized by the Boy Scouts of America for having achieved the rank of Eagle Scout, the highest accomplishment in Scouting; and

WHEREAS, the Boy Scouts of America is an educational movement for boys chartered by the United States Congress to promote character development, citizenship training, and physical fitness; and

WHEREAS, only about two percent of all boys in Scouting in the United States achieve the Eagle Rank; and

WHEREAS, Eric Christopher Crowe has demonstrated a record of achievement throughout his membership at Boy Scout Troop 5, chartered by Christ Church United Methodist in North Shelby County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby most highly commend Eric Christopher Crowe upon his achievement of the rank of Eagle Scout, and do further direct that he receive a copy of this resolution, executed in sincere praise and with warm best wishes for every future success in life.

Approved February 18, 1993

Time: 3:34 P.M.

Act No. 93-33

H.J.R. 65 – Rep. Richardson

HOUSE JOINT RESOLUTION

COMMENDING GLEN HICKS, HEAD COACH AT NORTH SAND MOUNTAIN HIGH SCHOOL.

WHEREAS, the Legislature of Alabama in highest commendation recognizes Glen Hicks on his outstanding success as basketball coach at North Sand Mountain High School; and

WHEREAS, Glen Hicks has indeed achieved a phenomenal record in his 16 years as coach of the "Thundering Herd" at North Sand Mountain High; he has six county championships to his credit, which include the last five in a row, and six Sand Mountain championships, of which four were in the past five years; and

WHEREAS, additionally, he has directed his teams to three area championships, five district or area appearances, state tournament play (1989-90, 1990-91), and his 1990 team led the state in average points per game (99.8); and

WHEREAS, in tribute to his many notable accomplishments, Coach Hicks has been named Jackson County Coach of the Year in 1977-78, 1982-83, 1983-84, 1989-90, and 1990-91, Coach of the Year by the Weekly Post (1988-89), and received Coach of the Year honors also by the Chattanooga News Free Press (1989-90); in further achievement, he was named to Who's Who Among America's Teachers in 1992, and received the Franklin Life Insurance Gold Circle Award in 1989; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement, we hereby most highly commend Coach Glen Hicks of North Sand Mountain High School, for whom a copy of this resolution shall be provided.

Approved February 18, 1993

Time: 3:35 P.M.

Act No. 93-34

H.J.R. 66 – Reps. Curry, Spratt, Sanderson,
Hawkins, Escott-Russell,
Perdue, Rogers (F), Biddle,
Carns, Rogers (J), Newton (D),
Morton, Petelos, Barnes,
Gaines, McClain, McDowell,
Payne

HOUSE JOINT RESOLUTION

DESIGNATING THE ALABAMA THEATRE FOR THE PERFORMING ARTS AS THE STATE HISTORIC THEATRE.

WHEREAS, the Alabama Theatre opened on December 16, 1927; it was named the "Showplace of the South" by the movie mogul Adolph Zuker; and

WHEREAS, once a part of the Paramount Theatre Chain, the Alabama Theatre is currently owned by the Alabama Landmarks Corporation; and

WHEREAS, having operated as a motion picture house for 55 years, the theatre presently is the home of the Miss Alabama pageant and plays host to the world's largest Mickey Mouse Fan Club with over 15,000 members; and

WHEREAS, numerous stars of Broadway and the Silver Screen have appeared on the stage, including John Barrymore, Roy Rogers, and Alabama's own Tallulah Bankhead; and

WHEREAS, the Alabama Theatre is home to "The Mighty Wurlitzer" organ; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the Alabama Theatre for the Performing Arts as the official State Historic Theatre for the State of Alabama, and do further authorize the proper officials to erect and maintain appropriate signs and markers that reflect this action of the Legislature.

Approved February 18, 1993

Time: 3:36 P.M.

Act No. 93-35

H.J.R. 67 – Reps. Willis, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan,

Melton, Mikell, Millican, Morrow,
 Morton, Newton (C), Newton (D),
 Parker (P), Parker (T), Payne,
 Penry, Perdue, Petelos, Poole,
 Powell, Rich, Richardson,
 Rockhold, Rogers (F), Rogers (J),
 Sanderford, Sanderson,
 Smith (C), Smith (R), Spratt,
 Starkey, Thomas, Turner,
 Turnham, Venable, Walker,
 Warren, White, Williams, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING THE 1992 JACKSONVILLE STATE UNIVERSITY FOOTBALL TEAM, HEAD COACH BILL BURGESS AND HIS STAFF ON THEIR NCAA DIVISION II FOOTBALL NATIONAL CHAMPIONSHIP.

WHEREAS, the 1992 Jacksonville State University football team completed a highly successful season with a 12-1-1 record, and

WHEREAS, the Gamecocks won their third Gulf South Conference championship in four years with a 5-0-1 league record, and

WHEREAS, Coach Bill Burgess was named GSC "Coach of the Year" for the second straight year and the third time in his career at Jacksonville State University, Kodak Division II Coach of the Year by the American Football Coaches Association and Chevrolet NCAA Division II Coach of the Year, and

WHEREAS, no less than eleven players including Danny Lee, Matt Hollis, André Allen, Slade Stinnett, Wendell Kelley, Curtis McDaniel, Ja'Karl Barnett, Eric King, Carlos Shepard, Steve Lewis and Tim Sudduth were selected for All-Gulf South Conference honors, and

WHEREAS, the Gamecocks football team proved itself to be the best in the United States of America, winning the NCAA Division II National Championship, 17-13 over defending national champion Pittsburg State of Kansas, on December 12, and

WHEREAS, Jacksonville State University's win made it the only university in the nation to win NCAA Division II national titles in all three major sports, football (1992), basketball (1985) and baseball (1990 and 1991), and

WHEREAS, the entire student body along with faculty, staff and administrators are justly proud of the accomplishments of this 1992 football team.

BE IT RESOLVED THAT THE LEGISLATURE OF THE STATE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, does hereby extend its heartiest congratulations to coach Bill Burgess, his

staff and the entire 1992 football team for its national championship and its excellent winning tradition, and

BE IT FURTHER RESOLVED, that copies of this resolution be sent with our sincerest appreciation to head coach Bill Burgess and Jacksonville State President Dr. Harold J. McGee.

Approved February 18, 1993

Time: 3:37 P.M.

Act No. 93-36

H.J.R. 68 – Rep. Hooper

HOUSE JOINT RESOLUTION

COMMENDING WILL HILL TANKERSLEY OF MONTGOMERY, ALABAMA.

WHEREAS, it is with a great sense of pride that the Legislature of Alabama commends Will Hill Tankersley of Montgomery, Alabama, as the recipient of The Montgomery Advertiser and The Alabama Journal 1992 Citizen of the Year award; and

WHEREAS, Will Hill Tankersley, a third generation native Montgomerian, attended the Citadel, Marion Institute, and graduated from the U. S. Military Academy in 1950; he later earned his master's degree from Auburn University, received a degree from the Institution of Investment Banking, and pursued further studies at the Colgate Darden School at the University of Virginia, and at the Kennedy School of Government at Harvard University; and

WHEREAS, he served with honor and distinction in the regular Army between 1950 and 1958, including six campaigns of the Korean War in the combat infantry, for which he was decorated; he also served as a member of the Department of the Army staff; and

WHEREAS, in later service, he was civilian aide to the Secretary of the Army for Alabama in 1969, Deputy Assistant Secretary of Defense (1974-77), and chairman of the Reserve Forces Policy Board of the Department of Defense (1985-90); and

WHEREAS, for outstanding contributions to his state and nation, Mr. Tankersley was awarded the Department of Defense Distinguished Public Service Medal; medals from all branches of the armed forces, reserve and national guard; and received the five highest medals given to civilians by the armed services, among other honors and distinctions; and

WHEREAS, since his return to Montgomery in 1958, Will Hill Tankersley has greatly influenced all facets of life in the Montgomery community; an active and energetic civic leader, he meets each challenge or task with dedicated resolve and commitment; and

WHEREAS, he has served as chairman of the Montgomery Area Chamber of Commerce, of the Montgomery Area Committee of One Hundred, and as president of the Rotary Club; additionally, as chairman of the Education Committee on Community Government, he played a vital role in the move to establish the mayor-council form of government for the city, and later in its implementation; and

WHEREAS, a retired major general in the Army Reserve since 1985, he currently serves as president and vice chairman of the board of Sterne, Agee, & Leach, Inc., investment bankers, and is a member of St. John's Episcopal Church; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join in tribute to the many outstanding contributions of Will Hill Tankersley, a distinguished Alabamian and a great American in whom we are justly proud, and for whom a copy of this resolution shall be provided.

Approved February 18, 1993

Time: 3:38 P.M.

Act No. 93-37

H.J.R. 69 – Rep. Hooper

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF RICHARD COLLINS BELSER OF MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Richard Collins Belser of Montgomery, Alabama, on June 13, 1991, at the age of just 63 years; and

WHEREAS, a prominent Montgomery attorney and senior partner of the Robison and Belser law firm, Mr. Belser earned both his undergraduate and law degrees from the University of Alabama; and

WHEREAS, in addition to the responsibilities and obligations of an extensive legal practice, Mr. Belser devoted considerable time in service to the community, giving generously of his talent and ability in a number of leadership capacities; and

WHEREAS, he was a past president of the Montgomery Bar Association and the Montgomery Country Club, a member of the Montgomery Community Foundation board, the Capital City Kiwanis Club and the Pioneers, and was a past executive director of the Alabama Petroleum Jobbers, among numerous other worthy endeavors at both local and statewide levels; and

WHEREAS, Mr. Belser, also a former reading clerk for the Alabama House of Representatives, was a member of Sigma Alpha

Epsilon fraternity, and was a member of the First United Methodist Church which he had served previously as a member of the administrative board; and

WHEREAS, the lamentable death of Richard Collins Belser has indeed left an unfathomable void in the life of the community and the legal profession, as well as in the hearts of all those whose lives he touched in genuine compassion and concern; and

WHEREAS, Mr. Belser, preceded in death by a daughter, Katherine Eugenia Belser, is survived by his wife, Virginia Loe Belser; sons, David Eugene, Richard Charles and Dana Blair Belser; grandchildren, Sara Katherine Belser and David Eugene Belser, Jr.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life and service of Richard Collins Belser of Montgomery, Alabama, and do further express our deepest sympathy to all his family, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

Approved February 18, 1993

Time: 3:39 P.M.

Act No. 93-38

S.J.R. 11 – Senator Dial

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF CHARLES LESTER PROCTOR OF LINEVILLE, ALABAMA.

WHEREAS, it is with a deep sense of loss that the Alabama Legislature records the death of Charles Lester Proctor of Lineville, Alabama, on October 9, 1993, at the age of 75 years; and

WHEREAS, a native and lifelong resident of Clay County, Mr. Proctor was a 44-year veteran of the newspaper business who was serving at the time of his lamentable death as Editor and Publisher of the Clay Times-Journal; and

WHEREAS, Mr. Proctor, a United States Army veteran of World War II with four and a half years of service in the Pacific Theatre, began his career with the purchase of the Lineville Tribune and, three years later, acquired the Ashland Progress; in 1990, he combined the two papers into The Clay Times-Journal which is distributed not only locally, but throughout the United States and Europe; and

WHEREAS, Lester Proctor, whose name became synonymous with “news” in Clay County, provided a valuable service to area

citizens as a dedicated newsman who worked tirelessly at his profession; he also, however, gave unceasingly of his time, talent and ability in providing leadership to the community in all areas of concern; and

WHEREAS, he was a former Lineville Council member; a member of the Clay County Board of Education and the Lineville Housing Authority; Trustee of the Clay County Area Vocational Center and Southern Union State Junior College; and an active member of Lineville Baptist Church which he served devotedly as a Youth Sunday School teacher, church Trustee, and member of the Fellowship Bible Class; and

WHEREAS, Charles Lester Proctor was indeed a beloved member of his community who was friend, mentor and counselor to countless area youth; he was a quiet and modest man who served always to the good and well-being of others, and his lamentable death has left an unfathomable void in the hearts of his family, many friends, and all those whose lives he touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Charles Lester Proctor of Lineville, Alabama, and extend deepest sympathy to his wife, Mrs. Sue Proctor; son, David Proctor; to his grandchildren, Christopher and Brooklyn Proctor; and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

Approved February 18, 1993

Time: 3:40 P.M.

Act No. 93-39

S.J.R. 12 – Senator Mitchem

SENATE JOINT RESOLUTION

COMMENDING CHARLES A. McCALLUM FOR DISTINGUISHED LEADERSHIP OF THE UNIVERSITY OF ALABAMA AT BIRMINGHAM.

WHEREAS, in order to concentrate on teaching and patient-care activities, Dr. Charles A. McCallum will relinquish the office of president of the University of Alabama at Birmingham (UAB), effective June 30, 1993; and

WHEREAS, Dr. McCallum, who joined the UAB faculty in 1956 as instructor in the Department of Oral Surgery, thereafter rose through the ranks to serve successively as professor of dentistry, chairman of the Department of Oral Surgery, Dean of the School of Dentistry, vice president for health affairs and director of the medical

center, and as acting president in 1986 before assuming the presidency in 1987; and

WHEREAS, under his distinguished leadership, UAB has experienced unprecedented growth and progress, including an increase in enrollment of some 17% to 16,658 students in 1992, while UAB's physical plant has grown from six million to 7.5 million gross square feet, completing the major phase of the University's building expansion program at an investment of \$250 million since 1987; and

WHEREAS, also completed during Dr. McCallum's tenure was UAB's first major fund-raising campaign which raised \$67 million, \$12 million more than its goal; the school endowment, \$40 million in 1987, has more than doubled to \$90 million in 1992 while, during this same period, great strides have been made in all other institutional areas, including student and faculty racial diversity, cooperative community/university programs, commitment to technology transfer and economic development activities, "excellence in teaching" awards for each school, and extramural contract support which increased almost 60% to rank UAB among the top 35 universities in federal funding for research and development; and

WHEREAS, Dr. McCallum, who holds the faculty rank of professor in the Schools of Dentistry and Medicine, received his D.M.D. in 1951 from Tufts University School of Dental Medicine, and earned his M.D. from the University of Alabama School of Medicine; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement, and in grateful acknowledgement of his distinguished leadership as president of the University of Alabama at Birmingham, we hereby commend Dr. Charles A. McCallum, whom we hold in highest personal regard, and for whom a copy of this resolution shall be provided.

Approved February 18, 1993

Time: 3:41 P.M.

Act No. 93-40

S.J.R. 15 – Senator Ellis

SENATE JOINT RESOLUTION

COMMEMORATING THE CENTENNIAL OF THE LEGISLATION CREATING THE UNIVERSITY OF MONTEVALLO.

WHEREAS, on February 21, 1893, the Legislature passed and Governor Thomas G. Jones signed an act to create a higher educational institution for women which later became Alabama College and now the University of Montevallo; and

WHEREAS, the centennial of this legislation will be observed on Thursday, February 18, 1993, in a 9:00 a.m. ceremony in the House of Representatives chamber of the restored Capitol where one hundred years ago the Legislature of Alabama deemed it appropriate to reform education by providing for instruction for women; and

WHEREAS, the Legislature is cognizant of the pioneering work of the University of Montevallo throughout this past century and applauds its faculty, students, trustees, alumni, staff and administration for their endeavors to be faithful to its legislative mission as Alabama's public liberal arts university; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby publicly acknowledge and memorialize the efforts of Senator Solomon Bloch of Wilcox County, Representative John McQueen of Jefferson County, Miss Julia Tutwiler, and others who were instrumental in securing the passage of the legislation adopted on February 21, 1893, creating the university which became the University of Montevallo.

BE IT FURTHER RESOLVED, That we do hereby designate February 18, 1993, as an official day of celebration of this historic occasion and join the Board of Trustees, President Robert M. McChesney, faculty, staff, students, alumni and friends in observing this special time.

RESOLVED FURTHER, That the presiding officer of each house be authorized to extend brief privileges of the floor for the President and his official delegation to be presented and accept a copy of this resolution on February 18, 1993, or at such other time as the presiding officer shall deem appropriate.

Approved February 18, 1993

Time: 3:42 P.M.

Act No. 93-41

S.J.R. 16 – Senator Bolling

SENATE JOINT RESOLUTION

RECOGNIZING THE CITY OF HALEYVILLE'S "EMERGENCY 911" SERVICE, AND MR. BILL FREY.

WHEREAS, twenty-five years ago a new era of providing emergency service was ushered in with the creation of the "Emergency 911" service; and

WHEREAS, the first "Emergency 911" service in the nation was developed by the Independent Alabama Telephone Company, a member of the Continental System; and

WHEREAS, Bill Frey, then manager of the Alabama Telephone Company, engineered the first operational "Emergency 911" system in the nation — a service that began in Haleyville, Alabama, on Friday, February 16, 1968, with a demonstration call from Alabama Representative Rankin Fite of Hamilton, Alabama, at Haleyville's City Hall, with the call being answered by U.S. Representative Tom Bevill of Jasper at Haleyville's Police Department; and

WHEREAS, this historic call began service that now serves the nation, and has saved countless thousands of lives during the past twenty-five years; and

WHEREAS, numerous men and women in the nation have conscientiously answered thousands of emergency calls during the past twenty-five years, and provided fast assistance as well as needed assurance to victims of accidents, crime and illness; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize with great pride the City of Haleyville's "Emergency 911" system, the first such service in the nation, and the Silver Anniversary of this historic occasion calls for tribute to be paid to the men and women who have devoted their time and energy to the saving of lives and property.

BE IT FURTHER RESOLVED, That for his dedication to the development of this vital service, and as the engineer of the "Emergency 911" system, we hereby most highly commend Bill Frey, to whom a copy of this resolution shall be presented, with a copy also provided for display by the City of Haleyville.

Approved February 18, 1993

Time: 3:43 P.M.

Act No. 93-42

S.J.R. 17 – Senator Corbett

SENATE JOINT RESOLUTION

NAMING THE "ROBERT J. 'MAC' McALISTER BRIDGE" IN RUSSELL COUNTY, ALABAMA.

WHEREAS, Robert J. "Mac" McAlister served for more than 20 years as Conservation Officer with the Game and Fish Division of the Alabama Department of Conservation in Russell County; and

WHEREAS, throughout his career, Game Warden McAlister performed his duties in a highly professional manner through strict and fair enforcement of the law; he also evidenced concern for both hunters and citizens alike, was deeply committed to the preservation of our environment, and was instrumental in the development and implementation of hunter safety programs in Russell County; and

WHEREAS, he further provided assistance to other law enforcement agencies, including the Sheriff's Office, State Troopers and ABC Agents, and in all ways contributed greatly to the good and well-being of the county and its residents; and

WHEREAS, Mac McAlister, since his retirement on July 1, 1992, due to disability, has continued to promote and provide support for the betterment of his community, and it is the desire of his fellow Russell Countians, and the Legislature, that the contributions and achievements of this exemplary citizen be acknowledged in a lasting and appropriate manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of Robert J. McAlister, we hereby name and designate the Uchee Creek bridge on Highway 165, structure 165-57-0192 at mile post 25.52 in Russell County, Alabama, as the "Robert J. 'Mac' McAlister Bridge."

BE IT FURTHER RESOLVED, That the proper authorities are hereby authorized to erect appropriate signs and markers identifying the "Robert J. 'Mac' McAlister Bridge," and that a copy of this resolution be presented to Mr. McAlister as a memento of this honorary designation of the Legislature.

Approved February 18, 1993

Time: 3:44 P.M.

Act No. 93-43

H.J.R. 5 – Rep. Starkey

HOUSE JOINT RESOLUTION

INVITING PRESIDENT CLINTON TO ADDRESS A JOINT SESSION OF THE LEGISLATURE.

WHEREAS, William Clinton has been inaugurated as the 42nd President of the United States; and

WHEREAS, the State of Alabama anticipates with confidence that President Clinton will provide the strong leaderships necessary to lead our country forward; and

WHEREAS, President Clinton, as a President from our own region, has a special knowledge and understanding of the problems and opportunities of Alabama and other area states; and

WHEREAS, the Alabama Legislature would be honored to have President Clinton address the Legislature in joint session; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most cordially invite President Clinton to address a joint session of the Alabama Legislature at a time and date to be set at his convenience.

BE IT FURTHER RESOLVED, That President Clinton be advised, by a copy of this resolution, of our request and that we are hopeful of his acceptance.

Approved February 18, 1993

Time: 3:45 P.M.

Act No. 93-44

S. 140 – Senators Dial, Little, Mitchem, Hale, Bailey, Bedsole, Amari, Barron, Dixon, Denton, Lindsey, Owens, Mitchell, Floyd, deGraffenried, Parsons, Bennett, Lipscomb, Foshee, Ellis, Langford, B. Smith, Bolling, Horn, Campbell, J. Smith, Waggoner, Hill and Figures

AN ACT

To amend Section 41-23-1, Code of Alabama 1975, to establish and specify the powers and duties of the Office of Water Resources as a division of the Department of Economic and Community Affairs; establish the Alabama Water Resources Commission and authorize the commission to promulgate rules and regulations for the Office of Water Resources; and authorize civil penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-23-1 of the Code of Alabama 1975, as amended, is hereby further amended to read as follows:

“§41-23-1.

"There is hereby created and established the department of economic and community affairs within the office of the governor and directly under his supervision and control. The department of economic and community affairs shall consist of: the governor, the office of state planning and federal programs, the Alabama department of energy, the Alabama law enforcement planning agency, the office of highway and traffic safety, the office of employment and training, and the office of water resources as presently created by and provided for in sections 41-9-205 through 41-9-214, sections 41-6A-1 through 41-6A-11, sections 41-8A-1 through 41-8A-4, sections 41-8A-8 through 41-8A-10, and sections 41-8A-12 through 41-8A-13, 32-4-1 through 32-4-7, Executive Order No. 34, 1980, and Sections 2 through 33 of this act, respectively, and in accordance with the applicable federal laws. All respective functions, duties, responsibilities, obligations, property rights, appropriations, employees, property, and supplies as provided by said sections, and whether accruing or vesting, are hereby transferred to and vested in the department of economic and community affairs."

Section 2. This act shall be cited as the "Alabama Water Resources Act."

Section 3. The Legislature of the state of Alabama hereby finds and declares that:

(1) All waters of the state, whether found on the surface of the ground or underneath the surface of the ground, are among the basic resources of the state of Alabama;

(2) The use of waters of the state for human consumption is recognized as a priority use of the state and it is the intent of this act that no limitation upon the use of water for human consumption shall be imposed except in emergency situations after the Office of Water Resources has considered all feasible alternatives to such limitations.

(3) The use of such waters should be conserved and managed to enable the people of this state to realize the full beneficial use thereof and to maintain such water resources for use in the future;

(4) The general welfare of the people of this state is dependent upon the dedication of the water resources of the state of Alabama to beneficial use to the fullest extent to which they are capable through the development and implementation of plans and programs to manage such quantitative water resources;

(5) It is the purpose of this act to establish the Office of Water Resources and the Water Resources Commission and to vest said office and commission with the power and responsibility to develop plans and strategies for the management of the waters of the state as well as the other goals and policies of this act;

(6) No person's beneficial use of the quantitative waters of the state shall be restricted by the Office of Water Resources or the Water Resources Commission except where such beneficial use is within an area of the state designated as a capacity stress area pursuant to this act. It is the intent of the Legislature that any action taken which limits, restricts or conditions any person's beneficial use of water resources of this state be implemented only after a. the Water Resources Commission has determined that such action is necessary because the aggregate uses of the waters of the state in such area exceeds or will exceed the availability of such waters and is required to protect the availability of the waters of the state; and b. such person has been afforded due process of law including, but not limited to, a public hearing. The implementation and enforcement of any action limiting, restricting, or conditioning any person's beneficial use of water resources shall be under the direction of the Alabama Department of Environmental Management; and

(7) Notwithstanding any provision of this act to the contrary, the provisions of this act shall not apply to:

a. Impoundments or other similar containments confined and retained completely upon the property of a person which store water where the initial diversion, withdrawal, or consumption of such water is acknowledged in a certificate of use;

b. Waste water treatment ponds and waste water treatment impoundments subject to regulation under the Clean Water Act, 33 U.S.C. Sections 1251 et seq., and ponds and impoundments subject to regulation under the Mine Safety and Health Act, 30 U.S.C. Sections 801 et seq., or the Surface Mining Control Act, 30 U.S.C. Sections 1201 et seq.; and

c. Surface impoundments constituting solid waste management units under the Resource Conservation and Recovery Act, 42 U.S.C. Sections 6901 et seq.

Section 4. For the purposes of this act, the following words and phrases, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) "AREA OF THE STATE" shall mean any municipality or county, including portions thereof, or other geographical area of the state as may be designated by the commission pursuant to this act.

(2) "BENEFICIAL USE" shall mean the diversion, withdrawal, or consumption of the waters of the state in such quantity as is necessary for economic and efficient utilization consistent with the interests of this state.

(3) "CAPACITY STRESS AREA" shall mean an area of the state designated by the commission pursuant to this act where the commission determines that the use of the waters of the state, whether ground water, surface water, or both, requires coordination, management, and regulation for the protection of the interests and rights of the people of the state.

(4) "CERTIFICATE OF USE" shall mean a certificate which shall be issued by the office of water resources, upon receipt of a declaration of beneficial use, in accordance with this act acknowledging the diversion, withdrawal, or consumption of the waters of the state.

(5) "COMMISSION" shall mean the Alabama Water Resources Commission or its successor.

(6) "SURFACE WATER REGIONS" shall mean those certain areas of the state designated by this act and to be referred to individually as:

a. "CENTRAL ALABAMA SURFACE WATER REGION" shall mean that area of the state formed by the counties of Etowah, Cherokee, St. Clair, Calhoun, Cleburne, Shelby, Talladega, Clay, Randolph, Bibb, Coosa, Tallapoosa, Chilton, Perry, Autauga, Elmore, Macon, Montgomery, Dallas, Lowndes, Wilcox, and Monroe.

b. "COASTAL ALABAMA SURFACE WATER REGION" shall mean that area of the state formed by the counties of Mobile and Baldwin, and all bays, tidal estuaries, and portions of the Gulf of Mexico over which this state has jurisdiction.

c. "NORTH ALABAMA SURFACE WATER REGION" shall mean that area of the state formed by the counties of Lauderdale, Limestone, Madison, Jackson, Colbert, Franklin, Lawrence, Morgan, Marshall, and Dekalb.

d. "SOUTHEAST ALABAMA SURFACE WATER REGION" shall mean that area of the state formed by the counties of Russell, Bullock, Pike, Barbour, Lee, Chambers, Butler, Crenshaw, Coffee, Dale, Henry, Conecuh, Covington, Geneva, Houston, and Escambia.

e. "WEST ALABAMA SURFACE WATER REGION" shall mean that area of the state formed by the counties of Marion, Winston, Cullman, Blount, Lamar, Fayette, Walker, Jefferson, Pickens, Tuscaloosa, Greene, Hale, Sumter, Marengo, Choctaw, Clarke, and Washington.

(7) "CRITICAL USE STUDY" shall mean an analysis of the available supply of water resources within an area of the state and an assessment of the existing and reasonably foreseeable future

demand for such resources to determine if such area of the state should be designated as a capacity stress area.

(8) "DECLARATION OF BENEFICIAL USE" shall mean a writing signed and certified by, or on behalf of, a person to receive a certificate of use and shall include the following: the name of the person to receive a certificate; the source or sources of the waters of the state subject to such person's beneficial use; the estimated quantity, in gallons, of the waters of the state used on an annual average daily basis by such person and the estimated capacity in gallons, of waters of the state potentially diverted, withdrawn or consumed on any given day by such person; and a statement of facts establishing that the use of such waters constitutes a beneficial use.

(9) "DEPARTMENT" shall mean the Department of Economic and Community Affairs or its successor.

(10) "DIRECTOR" shall mean the director of the Department of Economic and Community Affairs.

(11) "DIVISION CHIEF" shall mean the chief of the Office of Water Resources or its successor.

(12) "GROUND WATER" shall mean water in a saturated zone or stratum beneath the surface of land or water, whether or not flowing through known and definite channels.

(13) "OFFICE OF WATER RESOURCES" shall mean the Alabama Office of Water Resources or its successor.

(14) "PERSON" shall mean any and all persons, natural or artificial, including any individual, firm, association, organization, partnership, business, trust, corporation, company, any federal agency, authority, or corporation created by the United States of America, and the state and all political subdivisions, regions, districts, municipalities, and public agencies thereof.

(15) "PUBLIC WATER SYSTEM" shall mean a system for the provision to the public of piped water for human consumption or other uses, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals at least 60 days out of the year. A public water system includes:

a. any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and

b. any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

(16) "STATE" shall mean the state of Alabama.

(17) "SURFACE WATER" shall mean water upon the surface of the earth, whether contained in bounds created naturally or artificially or diffused. Water from natural springs shall be considered "surface water" when it exits from the spring onto the surface of the earth.

(18) "WATER RESOURCES COUNCIL" shall mean the Alabama Water Resources Council or its successor.

(19) "WATERS" or "WATERS OF THE STATE" shall mean a quantity of any spring, brook, creek, stream, river, pond, swamp, lake, reservoir, impoundment, sound, tidal estuary, bay, waterway, aquifer, or any other body or accumulation of water, surface water, or ground water, public or private, natural or artificial, that a. is contained within the borders of this state; b. flows through or to this state or any portion thereof; or c. borders upon this state or any portion thereof, including those portions of the Gulf of Mexico over which this state has jurisdiction.

Section 5. There is hereby created the Alabama Office of Water Resources as a division of the Department of Economic and Community Affairs.

Section 6. The general functions and duties of the Office of Water Resources shall be as follows:

(1) To develop long-term strategic plans for the use of the waters of the state by conducting and participating in water resource studies and by administering the laws established by this act and regulations promulgated hereunder;

(2) Acting through the commission, to adopt and promulgate rules, regulations, and standards for the purposes of this act, and to develop policy for the state regarding the waters of the state;

(3) To implement quantitative water resource programs and projects for the coordination, conservation, development, management, use, and understanding of the waters of the state;

(4) To serve as a repository for data regarding the waters of the state;

(5) To, at its discretion, study, analyze, and evaluate in coordination with, or with the assistance of, other agencies of the state, the federal government, any other state, or any person the uses of the waters of the state, including, without limitation, the diversion, withdrawal, or consumption of such waters, and to prepare comprehensive plans, programs, and policies to encourage or require, where expressly authorized by this act, the efficient use of the waters of the state;

(6) To participate on behalf of the state in discussions between or among the state, any federal officer, department, or agency, any

other state, or any person concerning the waters of the state; floods, droughts, and other hydrologic events involving the waters of the state; and water conservation programs;

(7) To enter into agreements or contracts, where appropriate, with other agencies of this state, the federal government, local governments, or any person in order to accomplish the purposes of this act;

(8) To issue, modify, suspend, or revoke orders, citations, or notices of violation regarding the diversion, withdrawal, or consumption of the waters of the state;

(9) To hold hearings relating to any of the provisions of this act or the administration thereof;

(10) To apply for, accept, and disburse advances, loans, grants, contributions, and any other form of assistance from the federal government, the state or other public body, or from any sources, public or private, for the purposes of this act, and enter into and carry out contracts or agreements in connection therewith, and include in any contract for financial assistance with the federal government such conditions imposed pursuant to federal laws as it may deem reasonable and appropriate and which are not inconsistent with the purposes of this act;

(11) To employ such professional, technical, clerical, and other staff, including attorneys and special counsel, and such consultants as are necessary to accomplish the objectives of this act;

(12) To monitor, coordinate, and manage the waters of the state as provided in this act. The Office of Water Resources shall make every effort to accept copies of reports submitted pursuant to rules or regulations of the federal government or another agency of the state;

(13) To sponsor, encourage, and facilitate plans, projects, policies, and programs for the conservation, coordination, protection, development, and management of the waters of the state;

(14) To, at its discretion, undertake or participate in studies, surveys, analyses, or investigations of water resources to include, but not limited to, the following: single, multi-purpose, comprehensive, local, county, regional, state, multi-state, national, federal, interstate, intrastate, ground, subsurface, recharge area, surface, watershed, drainage area, sub-basin, basin, stream, corridor, river, reservoir, impoundment, navigation, potable water, water supply, conservation, flood, drought, recreation, hydropower, water availability, water demand, and other water resource studies; provided, however, that the Office of Water Resources' failure to undertake or participate in any such studies, surveys, analyses, or investigations shall not affect the validity thereof.

(15) To conduct a program of education and public enlightenment with respect to the waters of the state;

(16) To make an annual report to the governor and the presiding officers of the House and Senate through the department concerning the activities and accomplishments of the Office of Water Resources for the preceding fiscal year;

(17) To enforce all provisions of this act and to file legal actions in the name of the Office of Water Resources and to prosecute, defend, or settle actions brought by or against the Office of Water Resources or its agents. The attorney general shall represent the Office of Water Resources in any and all legal actions brought by the Office of Water Resources to enforce any provision of this act. Nothing herein shall be construed or interpreted to impair the authority of the attorney general to enforce independently the provisions of this act;

(18) In addition to any other remedies provided by law, to recover in a civil action from any person violating any provision of this act, or any rule or regulation promulgated hereunder, other than such provisions or rules or regulations subject to the enforcement of the Alabama Department of Environmental Management, or from any person who fails to submit a declaration of beneficial use or makes a false statement in a declaration of beneficial use the actual costs incurred by the Office of Water Resources to protect the waters of the state from such violation. Such action shall be filed in the circuit court of the county where the defendant resides or does business, or in which the violation occurs or will occur;

(19) After the expiration of one year from the effective date of this act, to issue an order assessing a civil penalty against any person in violation of a. any provision of this act or b. any rule or regulation promulgated hereunder, other than such provisions or rules or regulations subject to the enforcement of the Alabama Department of Environmental Management, or any person who fails to submit a declaration of beneficial use or makes a false statement in a declaration of beneficial use; provided, however, that no such order shall be issued to a person if a civil action to recover a penalty for such violation has been commenced against such person. Any order issued under this section shall set forth findings of fact relied upon by the Office of Water Resources in determining the alleged violation and the amount of the civil penalty and may be served in the manner provided for service of process in the Alabama Rules of Civil Procedure. Where the Office of Water Resources has issued an order finding that a violation has occurred and assessing a civil penalty, the person subject thereto shall pay the penalty in full within 30 days of receipt of the

order unless such person files a request for a hearing in accordance with the rules and regulations promulgated hereunder. No order shall be issued under this subsection until the division chief or his designated representative has offered to meet with such person concerning the alleged violations and penalties. It is the intent of the Legislature that the director or division chief or their representatives shall attempt in good faith to reach a solution of alleged violations before any legal action is commenced. Civil penalties assessed by the Office of Water Resources and not paid may be recovered in a civil action brought by the Office of Water Resources in the circuit court of the county in which such person resides or does business. Any civil penalty assessed or recovered hereunder shall not exceed \$1,000 for each violation. Each day such violation continues shall constitute a separate violation for purposes of this act. In no event shall a civil penalty assessed hereunder exceed \$25,000 in any calendar year. In determining the amount of any penalty, the Office of Water Resources shall take into account the seriousness of the violation, the standard of care manifested by such person, any economic benefit accruing to such person as a result of the violation, the nature, extent, and degree of success of such person's efforts to minimize or mitigate the effects of such violation on the waters of the state, such person's history of previous violations, and the ability of such person to pay the penalty;

(20) To request such assistance from any other agency of this state as may be reasonable and necessary to carry out the purposes of this act. All state agencies, departments, institutions, and political subdivisions are hereby empowered and authorized to make available to the Office of Water Resources such reasonable assistance and information as the office may request in carrying out the intentions and purposes of this act;

(21) To recommend to the Legislature such legislation as may be needed to coordinate, protect, conserve, develop, and manage the waters of the state; and

(22) To perform any other duty or take any other action necessary for the implementation and enforcement of this act.

Section 7. The Office of Water Resources shall act on behalf of the state in the negotiation and consummation of any compact with another state or states (with or without federal interests) concerning the waters of the state; provided, however, the consummation of any such compact is subject to confirmation by an act of the Legislature and approval of the governor.

Section 8. The Office of Water Resources shall be headed by and shall be under the direction, supervision, and control of an

officer who shall be known and designated as the Division Chief of the Alabama Office of Water Resources. The division chief shall be appointed by the director, with the approval of the Governor, and shall report to, and be under the direct supervision of, the director. The division chief shall be a person knowledgeable in the fields of water resource management, development, and conservation. The division chief shall be a state merit system employee. The salary of the division chief shall be set in accordance with state law. Vacancies in the position of division chief shall be filled in the same manner as set forth above; provided, however, that prior to the appointment and approval of a division chief, the director may appoint an acting division chief or may assume the responsibilities of, and serve in the capacity as, division chief until a division chief is selected in accordance with the provisions of this act.

Section 9. The division chief shall have the power and authority necessary to carry out the functions and duties of the Office of Water Resources. All functions and duties of the Office of Water Resources shall be exercised by the division chief or through such officers or employees as the division chief may designate. In the performance of such functions and duties and in the exercise of such powers and authorities, the division chief and all other officers and employees of the Office of Water Resources shall be subject to all legal requirements, restrictions, limitations, conditions, and penalties, whether civil or criminal, with respect to the performance of such functions and duties and the exercise of such powers and authorities.

Section 10. The division chief, from time to time, may recommend to the commission proposed rules and regulations, including amendments and repeals thereof, for consideration by the commission. All such rules and regulations shall be reasonably calculated to effect the expeditious and efficient performance of the functions and duties of the Office of Water Resources and shall not be in conflict with applicable statutes, rules, or regulations.

Section 11. The division chief may establish such technical or other advisory committees to assist the commission or the Office of Water Resources in the performance of its functions and duties.

Section 12. The division chief shall, with the approval of the director and subject to the provisions of the state merit system, determine the number of employees needed for the efficient and economical performance of the functions and duties of the Office of Water Resources.

Section 13. There is hereby created the Alabama Water Resources Commission. The commission shall consist of 19 members who are citizens of this state as follows:

(1) Seven of the members of the commission shall be appointed by the Governor with one member being a resident of each congressional district and with at least one member being a resident of each surface water region; provided, however, that no more than two residents from each surface water region may be appointed by the Governor to serve on the commission at the same time.

(2) The Governor shall also appoint one member of the commission from a list of five candidates submitted by an organization representing a majority of the rural water systems in the state, and one member from a list of five candidates submitted by a statewide organization representing soil and water conservation districts in the state.

(3) Five of the members of the commission shall be appointed by the Lieutenant Governor, one of the members being appointed from a list of five candidates submitted by an urban public water system in the state using 90 million gallons of water or more per day from the waters of the state on an average daily basis, one of the members being appointed from a list of five candidates submitted by a statewide organization representing a majority of persons, other than public water systems, using twenty million gallons of water or more per day from the waters of the state on an average daily basis during any calendar month for diverse industrial, commercial, business, or manufacturing purposes, one of the members being appointed from a list of five candidates submitted by an organization representing environmental, conservation, or water-related recreation interests in the state, one of the members being appointed from a list of five candidates submitted by an organization representing a majority of urban public water systems in the state using less than 90 million gallons of water per day from the waters of the state on an average daily basis, and one member being appointed from the state at-large.

(4) Five of the members of the commission shall be appointed by the Speaker of the House of Representatives, one of the members being appointed from a list of five candidates submitted by an organization representing a majority of urban public water systems in the state using less than 90 million gallons of water per day from the waters of the state on an average daily basis, one of the members being appointed from a list of five candidates submitted by a statewide organization representing a majority of persons, other than public water systems, using twenty million gallons of water or more per day from the waters of the state on an average daily basis during any calendar month for diverse industrial, commercial, business, or manufacturing purposes, one member being appointed from a list of five candidates submitted by commercial

navigation interests in the state, one member being appointed from a list of five candidates submitted by an organization representing a majority of persons who are required to submit declarations of beneficial use for irrigation purposes, and one member being appointed from the state at-large.

(5) The appointing authority shall immediately inform the Office of Water Resources in writing of the name and address of each initial or successor member of the commission. All appointments to the commission shall be published by the Office of Water Resources in a newspaper of general circulation in Montgomery County. Any objections to the appointment of a member of the commission shall be made in writing to the appointing authority within 30 days of the publication of such appointment and shall be limited to the failure of the appointing authority to appoint a member in accordance with the provisions of this section. Any such objections not made within this 30-day period shall be deemed waived.

(6) Members of the commission shall meet all requirements of the state ethics law and the conflict of interest provisions of applicable federal laws and regulations.

Section 14. The terms of the initial members of the commission shall begin on the effective date of this act and shall be as follows:

(1) Five of the members appointed by the Governor shall be selected by the Governor to serve for a period of two years;

(2) Four of the members appointed by the Governor shall be selected by the Governor to serve for a period of six years;

(3) Three of the members appointed by the Lieutenant Governor shall be selected by the Lieutenant Governor to serve for a period of four years;

(4) Two of the members appointed by the Lieutenant Governor shall be selected by the Lieutenant Governor to serve for a period of six years;

(5) Three of the members appointed by the Speaker of the House of Representatives shall be selected by the Speaker of the House of Representatives to serve for a period of four years; and

(6) Two of the members appointed by the Speaker of the House of Representatives shall be selected by the Speaker of the House of Representatives to serve for a period of six years.

Section 15. At the expiration of the terms of the members initially appointed to the commission, their successors shall be appointed by the Governor, the Lieutenant Governor, and Speaker

of the House of Representatives on the same basis as the initial members for terms of six years. No member of the commission may serve more than two full six-year terms. At the expiration of a term of office or in the event of a vacancy on the commission, the appropriate appointing authority shall promptly make an appointment to fill the vacancy for the remainder of the vacating member's term. The expiring term of an incumbent member shall be continued until a successor is appointed. Notwithstanding the foregoing, the term of each successor to a member of the commission, including any initial member of the commission who is reappointed by the appropriate appointing authority, shall be deemed to begin on the day following the last day of the term of the member whose term has expired or is otherwise terminated regardless of the time such appointment is made. Any member of the commission who misses three consecutive meetings of the commission shall immediately cease to be a member thereof and the appropriate appointing authority shall appoint a new member to complete the remainder of the term of such member.

Section 16. The Governor shall select the initial chairperson of the commission from among the members of the commission. The chairperson shall serve for a term of two years. After the expiration of the term of the chairperson initially appointed, the commission shall elect a successor from among the members of the commission; provided, however, that any subsequent chairperson shall serve at least two years on the commission before assuming the position of chairperson. In the event that no member of the commission has served for more than two years in such capacity, the commission shall elect a chairperson from among the members of the commission.

Section 17. The commission shall have the following duties:

(1) To advise the governor and the presiding officers of the Senate and House, as necessary or as requested, on all matters related to the waters of the state as provided in this act;

(2) To provide guidance to the director and the division chief on all matters within the commission's scope of authority;

(3) To advise in the formulation of policies, plans, and programs of the Office of Water Resources in the performance of its functions and duties;

(4) To establish, adopt, promulgate, modify, repeal, and suspend any rules or regulations authorized pursuant to this act which may be applicable to the state as a whole or any of its geographical parts and to consider the adoption of any rule or regulation recommended by the division chief;

(5) To advise the Office of Water Resources to implement policies, plans, and programs governing the waters of the state; and

(6) To hear and determine appeals of administrative actions of the Office of Water Resources, including the administration of certificates of use or the issuance, modification, or repeal of any order, notice of violation or citation issued pursuant to subdivisions (17), (18) or (19) of Section 6 of this act.

Section 18. (a) The members of the commission shall receive no salary or compensation as members of such commission, but shall be reimbursed for expenses of travel, meals, and lodging while in the performance of their duties as members of such commission in accordance with Article 2 of Chapter 7 of Title 36 of the Code of Alabama 1975.

(b) The commission shall hold regular meetings at least twice every calendar year at the time and place designated by the chairperson of the commission. Special meetings of the commission may be called at the discretion of the chairperson of the commission and shall be called by the chairperson of the commission upon written request of the division chief or three members of the commission requesting that the commission consider any matter within its authority. All members shall be notified of the time and place designated for any regular or special meeting at least five days prior to such meeting in any of the following ways:

(1) By written notice mailed to the member's last known address.

(2) By telegram.

(3) By telephone.

(c) The division chief shall serve as ex officio secretary of the commission and shall keep minutes of all meetings and a record of all proceedings of the commission. The division chief shall receive no additional compensation for such services.

Section 19. As soon as reasonably practicable, but in no event later than one year from the effective date of this act, the commission shall adopt rules and regulations for the operation of the commission. The commission shall also adopt rules governing all administrative hearings and appeals involving the commission and the Office of Water Resources.

Section 20. As soon as reasonably practicable, but in no event later than one year from the effective date of this act, the commission, in consultation with the Office of Water Resources, shall promulgate and adopt rules and regulations governing declarations of beneficial use and certificates of use. Such rules and regulations

shall be consistent with the objectives of this act and the provisions of this section. In addition to any other requirement established by the commission, the following provisions shall govern all declarations of beneficial use submitted to, and certificates of use issued by, the Office of Water Resources:

(1) Certificates of use may be transferred, consigned, or conveyed, in whole or in part, in accordance with rules and regulations promulgated by the commission;

(2) Declarations of beneficial use shall be submitted periodically in accordance with regulations promulgated by the commission and declarations of beneficial use shall be submitted within 90 days of a substantial change in any person's beneficial use of the waters of the state or a change in the name of a person diverting, withdrawing, or consuming waters of the state who has previously submitted a declaration of beneficial use in accordance with regulations promulgated by the commission. In cases where a certificate of convenience and necessity has been issued or is issued in the future for any plant, property, or facility in accordance with Section 37-4-28 of the Code of Alabama 1975, the term of any certificate of use shall be for the useful life of the facility, not to exceed 40 years;

(3) In the event a new or revised certificate of use has not been issued by the Office of Water Resources within 90 days of a person's submission of a declaration of beneficial use as required under regulations promulgated by the commission, the person submitting such declaration may continue to divert, withdraw, or consume the waters of the state, shall comply with rules and regulations regarding declarations of beneficial use, and shall not be subject to any civil action or order issued by the Office of Water Resources for failing to submit a declaration of beneficial use; and

(4) Each certificate of use shall acknowledge the estimated amount, in gallons, of the waters of the state used on an annual average daily basis by the holder thereof and shall acknowledge the estimated capacity, in gallons, of the waters of the state potentially diverted, withdrawn, or consumed on any given day by such person as set forth in such person's declaration of beneficial use. For purposes of this act, certificates of use shall only acknowledge the estimated amount of water in gallons initially diverted, withdrawn, or consumed by a person from the waters of the state and shall not include waters that are recycled, reclaimed, or otherwise reused by such person or waters that are diverted, withdrawn, or consumed by a person pursuant to a certificate of use and stored for subsequent use by such person.

Section 21. (a) A declaration of beneficial use shall be submitted within 90 days of the promulgation of rules and regulations

governing such declarations by each public water system that regularly serves, individually or in combination with other such systems, more than 10,000 households and by each person who diverts, withdraws, or consumes more than 100,000 gallons of water on any day from the waters of the state.

(b) A declaration of beneficial use shall be submitted within 180 days of the promulgation of rules and regulations governing such declarations by each public water system that regularly serves, individually or in combination with other such systems, less than 10,000 households.

(c) No declaration of beneficial use shall be required to be submitted by any person, other than public water systems, who diverts, withdraws, or consumes less than 100,000 gallons of water each day from the waters of the state unless the commission determines by regulation that the submission of declaration of beneficial use by such person is necessary to accomplish the purposes of this act. In addition, no declaration of beneficial use shall be required and no certificate of use shall be issued for:

(1) In-stream uses of water, including, but not limited to, recreation, navigation, water oxygenation system, and hydropower generation; or

(2) Impoundments covering not more than 100 acres in surface area:

a. Confined and retained completely upon the property of a person; and

b. Used solely for recreational purposes, including sport fishing.

(d) Notwithstanding any other provision of this act to the contrary, each person who has the capacity to use 100,000 gallons or more of water on any day in total for purposes of irrigation shall submit a declaration of beneficial use to the Office of Water Resources on or before January 1, 1995. Persons who use waters for purposes of irrigation, but who do not have the capacity to use 100,000 gallons or more of water on any day in total for purposes of irrigation, are not required to submit a declaration of beneficial use unless the commission determines by regulation that such action is necessary to accomplish the purposes of this act.

(e) The Office of Water Resources shall issue a certificate of use to any person required to submit a declaration of beneficial use upon the submission of a declaration of beneficial use. The declaration of beneficial use shall contain all information required to be submitted under regulations promulgated by the commission and shall establish that the proposed diversion, withdrawal, or consumption of such

water shall not interfere with any presently known existing legal use of such water and is consistent with the objectives of this act. Each certificate of use shall contain the following statement: "THE ISSUANCE OF THIS CERTIFICATE OF USE SHALL NOT CONFER OR MODIFY ANY PERMANENT INTERESTS OR RIGHTS IN THE HOLDER THEREOF TO THE CONTINUED USE OF THE WATERS OF THE STATE OF ALABAMA."

(f) It shall be a condition of each certificate of use issued by the Office of Water Resources that reports be submitted annually to the Office of Water Resources, indicating the amount of water, in gallons, diverted, withdrawn, or consumed on a monthly basis by such person and such other information required under regulations promulgated by the commission. Such reports shall be signed and certified that to the best of the person's knowledge and belief, the information contained therein is true, accurate, and complete.

Section 22. The division chief shall notify the commission of the designation of areas of the state for which the Office of Water Resources, in coordination with, or with the assistance of, other agencies of the state or federal government, shall conduct a critical use study to determine if such areas should be designated as capacity stress areas. Each critical use study shall include an analysis of reasonable alternatives to address the quantitative water resources problems identified by the Office of Water Resources during the study. At a minimum, the critical use study shall include an assessment of a no-action alternative, a conservation alternative, a water resources development alternative, and a restrictive use alternative. Within each area of the state for which a critical use study is proposed, the Office of Water Resources shall consult with all persons holding a certificate of use within such area as well as all appropriate federal, state, or local government agencies within such area prior to the completion of the critical use study. The division chief may establish a technical or other advisory committee to assist in the preparation of a critical use study. In addition, the Office of Water Resources shall prepare a draft of each critical use study, including the tentative recommendations of the Office of Water Resources to the commission, and shall solicit comments from interested persons within the study area and shall conduct a public hearing on the critical use study within the study area prior to the completion of the critical use study. The Office of Water Resources shall consider all comments received during the public review process in the development of the final report of the critical use study. Upon the completion of a critical use study, the Office of Water Resources shall submit a final report of the critical use study to the commission and shall certify to the commission that the critical use study has been completed in accordance with this section and shall recommend to the

commission those actions, if any, determined during the study process to be necessary to protect the quantitative water resources of such area. The commission shall review the critical use study submitted by the Office of Water Resources and determine if the implementation of water use restrictions in such area is necessary due to a finding by the commission that the aggregate existing or reasonably foreseeable uses of the waters of the state in such area exceed or will exceed the availability of such waters and is required to protect the availability of the waters of the state, and may initiate rule making proceedings to have such area of the state designated as a capacity stress area; provided, however, that the commission shall not adopt or promulgate any rule or regulation with respect to any capacity stress area without the concurrence of 13 of the members of the commission. A quorum of the commission shall be a majority of the members of the commission. In the event the commission adopts rules designating a capacity stress area, the commission shall further initiate rulemaking authorizing only the implementation of those actions recommended by the Office of Water Resources or such other action as the commission determines to be reasonably necessary to protect the interests of the people of the state with respect to the waters of the state, including, without limitation, the coordination, encouragement, and facilitation of local participation in the design and implementation of such actions; the development, funding, or other participation in water resource projects within such areas; the adoption of mandatory conservation measures limiting the use of water in such areas; and procedures to review all certificates of use within such areas. No actions or measures proposed by the commission shall be implemented except in accordance with the rulemaking procedures of the commission and applicable law.

Section 23. (a) Upon the designation of any area of the state as a capacity stress area where the commission specifically finds the implementation of a use restriction alternative is necessary because the aggregate existing or reasonably foreseeable uses of the waters of the state in such an area exceed or will exceed the availability of such waters and is required to protect the availability of the waters of the state within such area, the commission shall immediately initiate rulemaking procedures to consider appropriate conditions or limitations applicable to all certificates of use within such area; provided, however, that the commission shall not adopt or promulgate any rule or regulation with respect to any capacity stress area without the concurrence of 13 of the members of the commission. Any such conditions or limitations shall be confined to matters necessary for the protection of the beneficial use of the waters of the state. In addition to any other requirement of law, the notice of rulemaking shall be sent by certified mail, return

receipt requested, to each person within such area holding a certificate of use. The notice of rulemaking shall include a description of the actions proposed by the commission, including the duration thereof, in the capacity stress area.

(b) Any rules or regulations proposed under this section shall consider fully all relevant matters prior to the adoption of any conditions, limitations, or restrictions upon any certificate of use within a capacity stress area. Such matters shall include, but shall not be limited to: the uses of water under each certificate of use within such area; the quantity of any water returned by each holder of a certificate of use to the capacity stress area; the reasonably foreseeable impacts to the economic or other interests of the state as a result of the imposition of any conditions, limitations, or restrictions upon each certificate of use; and the effect of such conditions, limitations, or restrictions upon the status of such area as a capacity stress area.

(c) Every 12 months, or sooner if necessary or requested by the division chief, the commission shall confirm the conditions applicable to a capacity stress area to determine what, if any, modifications to the designation of the capacity stress area are appropriate.

Section 24. (a) In the event the commission adopts or promulgates any rules or regulations limiting or reducing the quantity of water available to a person holding a certificate of use, the implementation and enforcement of such rules and regulations shall be under the direction of the Alabama Department of Environmental Management.

(b) The Alabama Department of Environmental Management and the Alabama Environmental Management Commission are hereby expressly authorized to perform the following duties and functions with respect to the implementation and enforcement of the rules and regulations adopted by the commission:

(1) To receive copies of all reports or other documents submitted to the Office of Water Resources by holders of certificates of use within a capacity stress area;

(2) Acting through the Alabama Department of Environmental Management, to issue an order assessing a civil penalty against any person in violation of any condition, limitation, or restriction of a certificate of use promulgated by the commission pursuant to Section 23 of the act; provided, however, that all such orders shall be consistent with, and subject to the limitations set forth in, subdivision (19) of Section 6 of this act;

(3) To recommend to the Office of Water Resources or the commission actions to be taken within a capacity stress area or modifications, amendments, or repeals of any rules or regulations adopted by the commission regarding a capacity stress area;

(4) Acting through the Alabama Environmental Management Commission, to hear administrative appeals of any order issued by the Alabama Department of Environmental Management pursuant to this section; and

(5) Acting through the Alabama Environmental Management Commission, to adopt such rules and regulations as reasonably necessary to perform the functions authorized pursuant to this section; provided, however, that no such rules or regulations shall conflict or be inconsistent with the rules or regulations adopted by the commission in designating a capacity stress area.

Section 25. There is hereby established the Alabama Water Resources Council. The Water Resources Council shall act in an advisory capacity to the Office of Water Resources and shall be comprised of one representative appointed by each of the following entities: The Alabama Department of Conservation and Natural Resources, the Alabama Department of Environmental Management, the Alabama Department of Public Health, the Soil and Water Conservation Committee, the Alabama State Docks Department, the Geological Survey of Alabama, and the Water Resource Research Institute. From time to time, the division chief may request any other state agency to appoint a representative to the Water Resources Council. The Water Resources Council shall advise the Office of Water Resources on all matters concerning the waters of the state.

Section 26. During the designation of a capacity stress area, the commission shall give due consideration to any hydrologic boundaries or other geographical considerations in designating an area of the state as a capacity stress area. In addition, the commission shall determine whether any local organization, including, but not limited to, watershed management authorities, conservancy districts, or soil and water conservation districts, are duly organized and authorized to implement the proposed actions in a capacity stress area other than those actions delegated to the Alabama Department of Environmental Management pursuant to Section 24 of this act. In the absence of local organizations or in the event any such local organizations do not have the authority or are not authorized to take the action proposed within the capacity stress area, the Office of Water Resources shall implement such actions promulgated and adopted by the commission; provided, however, the Office of Water Resources shall recognize, cooperate, and coordinate with any such local organizations involved with the management, conservation, protection, enhancement, and development of the waters of the state within the capacity stress area.

Section 27. Nothing in this act shall be interpreted as negating, destroying, impairing, preempting, or superseding any statutory, common law, or other legal right, duty, power, or authority of

the Alabama Department of Environmental Management, the Alabama Department of Conservation and Natural Resources, the Alabama Department of Public Health, the Geological Survey of Alabama or any other agency or department of this state.

Section 28. Nothing contained in this act shall change or modify existing common or statutory law with respect to the rights of existing or future riparian owners concerning the use of the waters of the state.

Section 29. All appropriations to the Alabama Office of Water Resources shall be expended by the Office of Water Resources and Water Resources Commission for only those purposes authorized by this act. All penalties collected pursuant to this act shall be deposited in the General Fund. Subsequent appropriations may be made in conjunction with appropriations to the department.

Section 30. The Office of Water Resources and the Alabama Water Resources Commission shall not charge or collect any fees or taxes from any person as a result of this act or of the powers granted to the Office of Water Resources or the Alabama Water Resources Commission, unless expressly authorized by the Legislature.

Section 31. It is the intent of the Legislature that the Office of Water Resources and the Alabama Water Resources Commission shall be subject to all provisions of the Alabama Administrative Procedure Act, Chapter 22, Title 41 of the Code of Alabama 1975.

Section 32. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 33. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved February 23, 1993

Time: 2:05 P.M.

Act No. 93-45

H.J.R. 28 – Rep. Drake

HOUSE JOINT RESOLUTION

EXTENDING THE TIME THAT THE JOINT INTERIM LEGISLATIVE COMMITTEE ON THE FEASIBILITY STUDY ON ESTABLISHING TOLL ROADS FROM HUNTSVILLE TO GULF SHORES, ALABAMA, SHALL REPORT TO THE LEGISLATURE.

WHEREAS, the Legislature created the Joint Interim Legislative Committee on the Feasibility Study on Establishing Toll Roads from Huntsville to Gulf Shores, pursuant to HJR 151, Act No. 92-107 of the 1992 Regular Session (Act 92-107, p. 177, 1992); and

WHEREAS, the committee was directed to report its findings on the fifth legislative day of the 1993 Regular Session; and

WHEREAS, the Legislature finds that the committee should be provided an extension of time to report its findings; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Committee on the Feasibility Study on Establishing Toll Roads from Huntsville to Gulf Shores shall report its findings, conclusion, and recommendations to the Legislature not later than the thirtieth legislative day of the 1993 Regular Session.

Approved February 23, 1993

Time: 3:45 P.M.

Act No. 93-46

H.J.R. 78 – Rep. Carter

HOUSE JOINT RESOLUTION

RECOGNIZING THE ALABAMA JUNIOR COLLEGE ATHLETIC HALL OF FAME.

WHEREAS, junior college athletics started in Alabama in 1891; and

WHEREAS, The Alabama Junior College Athletic Hall of Fame was established in 1989 to recognize outstanding contributions to athletics in Alabama; and

WHEREAS, the Class of 1993 has been duly elected; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate and recognize the Class of 1993 of the Alabama Junior College Athletic Hall of Fame.

BE IT FURTHER RESOLVED, That each of the following; inductees shall receive a copy of this resolution: Jimmy

Archibald, Calhoun State Community College; Jimmy Doerr, Jefferson State Community College; James Hobbs, Calhoun State Community College; Doug Key, Chattahoochee Valley State Community College; Dr. Bal Moore, Jefferson State Community College; and Costroe F. Palmer, Sr., Bishop State Community College.

Approved February 23, 1993

Time: 3:46 P.M.

Act No. 93-47

H.J.R. 79 – Reps. Hawkins, Carns, Payne

HOUSE JOINT RESOLUTION

DESIGNATING THE WEEK BEGINNING SEPTEMBER 6, 1993, AS “ALABAMA HIRE A VETERAN WEEK.”

WHEREAS, the people of Alabama have a deep appreciation and respect for the men and women who serve our Nation in the Armed Forces; and

WHEREAS, although veterans possess special qualities and skills which make them ideal candidates for employment, many veterans encounter some difficulties in securing employment; and

WHEREAS, military spending cuts and reduction in force in the Armed Forces will send tens of thousands of veterans looking for employment in the job market; and

WHEREAS, it would be inconsiderate and contrary to the economic competitiveness of our nation to neglect the post-military needs of the men and women who served our Nation in the Armed Forces; and

WHEREAS, the U. S. Department of Veterans Affairs, the U.S. Department of Labor, the U. S. Office of Personnel Management, and the many State and local governments administer programs and have veterans employment representatives both to ensure that veterans receive the services to which they are entitled and to promote employer interest in hiring veterans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week beginning September 6, 1993, is hereby designated as “Alabama Hire a Veteran Week” and the Governor is authorized and requested to issue a proclamation calling upon employers, labor organizations,

veterans organizations, and Federal, State, and local governmental agencies to lend their support to the campaign to increase employment of the men and women who have served our Nation in the Armed Forces.

Approved February 23, 1993

Time: 3:47 P.M.

Act No. 93-48

H.J.R. 80 – Reps. Hawkins, Carns, Payne

HOUSE JOINT RESOLUTION

RECOGNIZING THE CONTRIBUTIONS AND ACHIEVEMENTS OF JOSEPH M. FARLEY.

WHEREAS, Joseph M. Farley, prior to retirement, served as chairman of the board of Southern Nuclear Operating Company, corporate counsel of the Southern Company in Birmingham, and chairman of the American Nuclear Energy Council; and

WHEREAS, Mr. Farley provided service and leadership to the nuclear energy industry for more than 25 years, and it is due to his stewardship that nuclear energy provides in excess of 20 percent of the nation's electricity without polluting the environment; and

WHEREAS, Joe M. Farley, who holds an engineering degree from Princeton, a law degree from Harvard and served in the U. S. Navy as a lieutenant, has provided expert testimony before innumerable congressional hearings related to national energy policy legislation, and has most ably represented both the industry and its ratepayers before investigative panels, thereby playing a key role in the shaping of our national energy strategy bill that encompasses the greatest achievements for nuclear energy in 40 years; and

WHEREAS, elected president of Alabama Power in 1970, after serving five years as executive vice president of the utility, Mr. Farley became executive vice president in 1989, of the Southern Company which is the parent company of Alabama Power, Georgia Power, Gulf Power, Mississippi Power and Savannah Electric, and is one of the largest investor-owned electric utilities in the country; and

WHEREAS, Mr. Farley, a past chairman of the board for the Institute of Nuclear Power Operations, began a term as chairman

of the American Nuclear Energy Council, also in 1989, and, in 1991, was named president and chief executive officer of Southern Nuclear Operating Company, a Southern Company subsidiary; and

WHEREAS, the outstanding career of Joseph M. Farley, in nuclear energy leadership, is indeed unparalleled in the history of the industry and it is largely to his credit that our nation enjoys the availability of a safe, reliable and abundant source of energy that will be a viable option for our children's America and for countless generations to come; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his many contributions and achievements in the field of nuclear energy, and in admiration of his long and distinguished career, we hereby most highly commend Joseph M. Farley, for whom a copy of this resolution shall be provided.

Approved February 23, 1993

Time: 3:48 P.M.

Act No. 93-49

H.J.R. 81 – Reps. Knight (A), Hill, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican,

Morrow, Morton, Newton (C),
 Newton (D), Parker (P),
 Parker (T), Payne, Penry,
 Perdue, Petelos, Poole, Powell,
 Rich, Richardson, Rockhold,
 Rogers (F), Rogers (J),
 Sanderford, Sanderson,
 Smith (C), Smith (R), Spratt,
 Starkey, Thomas, Turner,
 Turnham, Venable, Walker,
 Warren, White, Williams, Willis,
 Zoghby

HOUSE JOINT RESOLUTION

COMMEMORATING THE CENTENNIAL OF THE LEGISLATION CREATING THE UNIVERSITY OF MONTEVALLO.

WHEREAS, on February 21, 1893, the Legislature passed and Governor Thomas G. Jones signed an act to create a higher educational institution for women which later became Alabama College and now the University of Montevallo; and

WHEREAS, the centennial of this legislation will be observed on Thursday, February 18, 1993, in a 9:00 a.m. ceremony in the House of Representatives chamber of the restored Capitol where one hundred years ago the Legislature of Alabama deemed it appropriate to reform education by providing for instruction for women; and

WHEREAS, the Legislature is cognizant of the pioneering work of the University of Montevallo throughout this past century and applauds its faculty, students, trustees, alumni, staff and administration for their endeavors to be faithful to its legislative mission as Alabama's public liberal arts university; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby publicly acknowledge and memorialize the efforts of Senator Solomon Bloch of Wilcox County, Representative John McQueen of Jefferson County, Miss Julia Tutwiler, and others who were instrumental in securing the passage of the legislation adopted on February 21, 1893, creating the university which became the University of Montevallo.

BE IT FURTHER RESOLVED, That we do hereby designate February 18, 1993, as an official day of celebration of this historic occasion and join the Board of Trustees, President Robert M. McChesney, faculty, staff, students, alumni and friends in observing this special time.

RESOLVED FURTHER, That the presiding officer of each house be authorized to extend brief privileges of the floor for the President and his official delegation to be presented and accept a copy of this resolution on February 18, 1993, or at such other time as the presiding officer shall deem appropriate.

Approved February 23, 1993

Time: 3:49 P.M.

Act No. 93-50

H.J.R. 86 – Rep. Rogers (J)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF EVA ODESSA ALEXANDER NUNLEY OF BIRMINGHAM, ALABAMA.

WHEREAS, the Alabama Legislature, in deepest sorrow and regret, herein records the lamentable death of Eva Odessa Alexander Nunley of Birmingham, Alabama, on July 2, 1991, at the age of 90 years; and

WHEREAS, the daughter of John and Marie Alexander, born February 23, 1902, Mrs. Nunley confessed Christ at an early age, was baptized, and thereby proclaimed her Christianity, at Mount Olive Baptist Church in Columbus, Georgia; and

WHEREAS, she was united in marriage to the late Deacon Wesley Nunley and, of this union, were born two children, one who preceded her in death, and a surviving son, James T. Nunley; and

WHEREAS, she also leaves to cherish her memory, grandsons, James T., Jr., Norman, and Richard Nunley; three great grandchildren; sisters, Mrs. Minnie Ingram and Mrs. Fannie Huntley; and other family members and friends, all of whom are sorely bereft in their great and grievous loss; and

WHEREAS, Mrs. Nunley was indeed a loving and gracious lady, and a devoted Christian who, as a member of Mount Ararat Baptist Church since 1929, served humbly and unceasingly with Sunday School, Missionary Society, Deaconess Board, Nurses Guild, Benevolent Society, and with Eastern Star Chapter 683, until forced to curtail her activities due to failing health; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are

grievously saddened by the death of Mrs. Eva Odessa Alexander Nunley of Birmingham, Alabama, and extend deepest sympathy to her beloved family, for whom a copy of this resolution of sincere condolence shall be provided.

Approved February 23, 1993

Time: 3:50 P.M.

Act No. 93-51

H.J.R. 92 – Reps. Haney, Freeman,
Grayson, Sanderford,
Hall

HOUSE JOINT RESOLUTION

DESIGNATING THE HUNTSVILLE DEPOT AS “HISTORICAL HUNTSVILLE DEPOT, ALABAMA’S TRANSPORTATION MUSEUM.”

WHEREAS, the Alabama Legislature notes that the Huntsville Depot has been truly steeped in the history of the railroad in Alabama; and

WHEREAS, completed in 1860, the Italianate style depot is the only antebellum passenger station surviving in Alabama and is one of only a very few left in the nation; and

WHEREAS, for over a century and a half, Huntsville, Madison County, and the rest of North Alabama have made significant contributions to the evolution of our nation’s commerce, industry, and transportation; and

WHEREAS, the history of railroading in North Alabama, including the role land transportation played in the growth of the area, is preserved in exhibits of memorabilia and multimedia presentations at the depot; and

WHEREAS, as an exhibit and museum complex, the Historical Huntsville Depot is a unique facility for presenting within its confines, nostalgia as well as history, and the technological and socioeconomic aspects of the railroad, automotive vehicles, animal-drawn vehicles, industry and commerce in both an educational and entertaining manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby designate the Huntsville Depot as a transportation museum to be

named the "Historical Huntsville Depot, Alabama's Transportation Museum."

Approved February 23, 1993

Time: 3:51 P.M.

Act No. 93-52

H.J.R. 93 – Rep. Black (M)

HOUSE JOINT RESOLUTION

COMMENDING COACH BUD MILLS ON HIS INDUCTION INTO THE 1993 ALABAMA HIGH SCHOOL SPORTS HALL OF FAME.

WHEREAS, the Alabama High School Sports Hall of Fame was established for the purpose of recognizing those individuals who make outstanding contributions to the schools of Alabama through their extraordinary efforts as coaches, administrators, officials and news media personnel; and

WHEREAS, among the outstanding individuals selected for induction into the 1993 Alabama High School Sports Hall of Fame is Bud Mills, a 41-year veteran coach, teacher and administrator in Alabama schools; and

WHEREAS, Bud Mills, who coached both football and basketball for a short while at Hazelwood High School, was head football coach at Cherokee County High for 20 years, during which period he compiled an outstanding 132-60-3 record, and was honored several times as Coach of the Year; and

WHEREAS, Coach Bud Mills is indeed an exemplar of extraordinary leadership ability and significant achievement who is entirely deserving of membership in the Alabama High School Sports Hall of Fame; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend Coach Bud Mills on his induction into the 1993 Alabama High School Sports Hall of Fame, and do further direct that he receive a copy of this resolution of sincere tribute as a recipient of this prestigious honor.

Approved February 23, 1993

Time: 3:52 P.M.

Act No. 93-53

H.J.R. 98 – Reps. Kennedy, Clay

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. FANNYE JONES HARRIS OF TUSKEGEE.

WHEREAS, most grievously recorded by the Alabama Legislature is the lamentable death of Mrs. Fannye Jones Harris of Tuskegee, Alabama, on February 5, 1993; and

WHEREAS, a graduate of Tuskegee Institute where she received both her B.S. and Master's degrees, Mrs. Harris also completed further postgraduate studies at the University of Chicago Graduate Library School, as well as Atlanta University and at Brown University in Providence, Rhode Island; and

WHEREAS, Mrs. Harris, to begin what was to be a longtime association in service to her beloved Alma Mater, returned to Tuskegee and the University's Hollis Burke Frissell Library in 1944 as Reserve Room and Children's Librarian; and

WHEREAS, until retiring in 1988, she subsequently and variously served in a number of responsible positions at Tuskegee and was additionally involved in leadership of many campus-related activities, including a summer reading program adopted in 1958 as a national project of Delta Sigma Theta Sorority; as chair of the United Negro College Fund Campaign; three terms as Faculty Senate secretary; and library consultant for the Head Start Program, to name but a few; and

WHEREAS, Mrs. Harris also extended her loyalty to the University to encompass faithful and dedicated involvement in alumni activities on local, regional and national levels; and

WHEREAS, to the Tuskegee community, she rendered invaluable service as a member of St. Andrew's Episcopal Church, and through affiliation with the Tuskegee Community Relations Committee, Macon County Chamber of Commerce Board of Directors, the Voters League of Macon County, Coalition of 100 Black Women, and Tuskegee Civic Association, among others; and

WHEREAS, attesting to Mrs. Harris' extraordinary achievement and countless contributions as an educator, librarian and servant to humankind, she was honored over the years with such distinctions as a Tuskegee University Service Award, Tuskegee National Alumni Merit Award, Alpha Phi Alpha Distinguished Citizens Award, Outstanding Faculty Performance Award, and Recognition Award by the U.S. Bureau of Census of the Department of Commerce; and

WHEREAS, the death of Mrs. Fannye Jones Harris has indeed left an unfathomable void in the Tuskegee community and the State of Alabama, and her loss lies heavy in the hearts of her beloved family, many friends, and all whose lives she touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Mrs. Fannye Jones Harris of Tuskegee, Alabama, and extend our most heartfelt sympathy to her husband, Dr. James N. Harris; sons, James N. Harris, Jr., and Ralph S. Harris; her daughter, Bettye C. Harris; and to other family members, for whom a copy of this resolution of sincere condolence shall be provided.

Approved February 23, 1993

Time: 3:53 P.M.

Act No. 93-54

H.J.R. 100 – Reps. Zoghby, Buskey, Clark (W),
Box, Gaston, Harper, Kennedy,
Kvalheim, Rockhold, Turner

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JOE WALTER DAVIS OF MOBILE, ALABAMA.

WHEREAS, recorded with deep sorrow and regret is the death of Joe Walter Davis of Mobile, Alabama, on February 5, 1993; and

WHEREAS, Mr. Davis, who was a native of Gosport in Clarke County, Alabama, and a long-time resident of Mobile, was formerly affiliated with Mackey Branch Baptist Church in Gosport and, at the time of his lamentable death, with Mount Olive Missionary Baptist Church #1 in Mobile; and

WHEREAS, a former employee of the Southern Railroad Systems, Mr. Davis retired after more than 35 years of faithful service, and with a record unblemished by even a single day's absence from work; and

WHEREAS, Mr. Davis was indeed a very conscientious and responsible man of unquestionable character, and his death leaves an unfathomable void in the community, and in the hearts of his family and many, many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously

mourn the death of Joe Walter Davis of Mobile, Alabama, and extend our most heartfelt sympathy to his devoted wife, Mrs. Elsie Burroughs Davis; to his loving children, Joe Davis, Jr., Geneva Davis-White, Willie Herman Davis, Linda Davis-Fitts, Vivian Davis-Figures, Frank Davis, Sr., LaVerne Dewayne Demond Davis, and Angela Denise Davis; and to other family members, whose sorrow also is ours and for whom copies of this resolution shall be provided.

Approved February 23, 1993

Time: 3:55 P.M.

Act No. 93-55

S.J.R. 19 – Senator Bennett

SENATE JOINT RESOLUTION

COMMENDING THE HOMEWOOD HIGH SCHOOL BAND FOR PARTICIPATION IN THE ST. PATRICK'S DAY PARADE IN DUBLIN, IRELAND.

WHEREAS, the Homewood High School Band will appear in the St. Patrick's Day Parade in Dublin, Ireland, on March 17, 1993, the first time an Alabama band has marched in this internationally-known event; and

WHEREAS, the much-travelled Homewood High School Band was also the first state high school band from Alabama to appear in the Macy's Thanksgiving Day Parade in New York City; the Tournament of Roses Parade in Pasadena, California; the "We the People Celebration" in Philadelphia and to host the Drum Corps International World Championships; and

WHEREAS, other Homewood High School Band appearances have included President George Bush's Inauguration, the New Orleans Mardi Gras and numerous college and professional sports appearances; and

WHEREAS, the Homewood High School Band is directed by veteran band director, Pat Morrow who is currently in his 17th year at Homewood and his 24th in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate members of the Homewood High School Band for being outstanding ambassadors of goodwill for Alabama and for bringing national attention to their home state.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Pat Morrow, Director of the Homewood High School Band with the Legislature's deep appreciation.

Approved February 23, 1993

Time: 3:56 P.M.

Act No. 93-56

S.J.R. 20 – Senators Dial and Waggoner

SENATE JOINT RESOLUTION

RECOGNIZING THE 25TH ANNIVERSARY OF THE 121ST UNITED STATES RESERVE COMMAND.

WHEREAS, the Legislature of Alabama recognizes with pleasure the 25th Anniversary of the 121st United States Army Reserve Command (ARCOM), Birmingham, Alabama, and expresses great pride in the many contributions and accomplishments of the ARCOM throughout its illustrious history; and

WHEREAS, the 121st ARCOM is command headquarters for 122 specialty units and 11,600 soldiers in Alabama, Mississippi, Georgia, Tennessee, Kentucky and South Carolina, and the many Reservists attending the recent Silver Anniversary celebration shared nostalgic memories of their missions around the world, including contributions to Operation Desert Shield/Desert Storm and their relief efforts in the aftermath of Hurricane Andrew; and

WHEREAS, festivities enjoyed by the Reservists and their families included musical entertainment, equipment displays, and a special ceremony recognizing the six commanding generals of the ARCOM since its inception in 1968; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize, with highest commendation, the 25th Anniversary of the 121st United States Army Reserve Command, Birmingham, Alabama, and also the contributions and accomplishments of the ARCOM Reservists in defense of our country and the cause of peace.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Major General Richard B. Burleson, commanding general of the 121st ARCOM, Birmingham, Alabama.

Approved February 23, 1993

Time: 3:57 P.M.

Act No. 93-57

S.J.R. 21 – Senators Dial and Little

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF ROBERT BRUCE GRAY OF VALLEY, ALABAMA.

WHEREAS, the Legislature of Alabama grievously mourns the death of Robert Bruce Gray of Valley, Alabama, on January 16, 1993, at the age of 73 years; and

WHEREAS, a native and lifelong resident of the Langdale community, and a United States Navy Veteran of World War II, Bruce Gray spent his entire 50-year career with West Point Pepperell, serving as plant engineer for the Langdale Mill for a number of years, and as Manager of the WPP Service Center for 25 years, until retiring in 1990; and

WHEREAS, Mr. Gray, who played a vital role in the formation, growth and progress of the Valley community served as chairman of the City Hall building committee, was instrumental in the renovation of Cotton Duck and, at the time of his death, was involved in the restoration of the Langdale Auditorium and the Chambers County Library Annex; and

WHEREAS, a faithful and active member of the Langdale United Methodist Church, he also provided leadership and support to countless other church as well as community organizations throughout the area and state and, on the national level, to the National Fire Protection Association, for which he collaborated in writing several publications; and

WHEREAS, Mr. Gray, further, was the recipient of such distinctions as the Chamber of Commerce "Award of Merit," the "Silver Beaver Award" in scouting, and the "Appreciation Award" from the American Red Cross, to name but a few; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Robert Bruce Gray of Valley, Alabama, and extend our most heartfelt sympathy to his wife, Eloise Echols Gray; daughters, Nancy Rebecca Gray and Juliet Gray Downs; son, Bruce Gray, Jr.; and to other family members, for whom a copy of this resolution shall be provided.

Approved February 23, 1993

Time: 3:58 P.M.

Act No. 93-58

S.J.R. 22 – Senator Dial

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JAMES P. HOMER OF LIVINGSTON, ALABAMA.

WHEREAS, it is with deep and abiding sorrow that the Alabama Legislature records the death of James P. Homer of Livingston, Alabama, on October 15, 1992; and

WHEREAS, James Homer, a former professional member of the New York Syracuse basketball team, came to Alabama in 1949 to coach basketball at Livingston University for one year while recovering from a game-related back injury; during this period, however, and perhaps providentially, he met his future wife, Virginia, and was to remain associated with the University for the next 25 years as a coach, teacher and administrator, retiring in 1984 as Executive Vice President; and

WHEREAS, Coach Homer, or Dean Homer to his colleagues and former students, was the recipient of countless awards and distinctions, both during and after his outstanding career, including such perpetual tributes as the Livingston University Athletic Complex named in his honor, as well as the establishment, in his name, of both an alumni scholarship program, and Livingston's most prestigious campus organization award for outstanding academics and performance by an athlete; and

WHEREAS, more enduring still are the memories of Coach Homer that are cherished by the many students whose lives he touched and in whom he instilled such qualities as aspiration, self-discipline, perseverance and responsibility; these virtues, which have stood them in good stead and have been passed on to their own children, are the legacy of a rare and uncommon man who became a legend in his own time; and

WHEREAS, Dean Homer was a unique individual, endowed with a keen sense of humor and a mischievous spirit; he also was an able dispenser of discipline whose methods, although unorthodox and often bizarre, were always effective, and the recounting of these "Homer stories" has become a University tradition; and

WHEREAS, the lamentable death of James P. Homer has left an unfathomable void in the life of his beloved Livingston University, and in the hearts of all those who are grateful for his presence in their lives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously

mourn the death of James P. Homer of Livingston, Alabama, and extend deepest sympathy to his wife, Mrs. Virginia Chandler Homer; daughter Ann Homer Ezell, and grandson, Trey; and to other family members, for whom a copy of this resolution shall be provided, with a copy also prepared for appropriate presentation and display at Livingston University.

Approved February 23, 1993

Time: 3:59 P.M.

Act No. 93-59

S.J.R. 23 – Senator Waggoner

SENATE JOINT RESOLUTION

COMMENDING ASHLEY HALFMAN, ALABAMA'S YOUNG WOMAN OF THE YEAR.

WHEREAS, the Alabama Legislature, in consensus of commendation, notes with great pleasure, the selection of Ashley Halfman of Birmingham, Alabama, as Alabama's Young Woman of the Year for 1992; and

WHEREAS, Miss Halfman, who represented Jefferson County in the contest, and who will compete on a national level later this year, is the daughter of Mr. and Mrs. Timothy Halfman of Birmingham; and

WHEREAS, she attends Vestavia Hills High School where she is a Student Council Representative, a National Merit Semi-Finalist and a member of the National Honor Society, Key Club and the Rebelette Dance Team, among other honors and distinctions; she also is a dancer with the Birmingham Dance Theater and is a member of St. Peter's Catholic Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Miss Ashley Halfman of Birmingham, Alabama, an exceptional young lady of whom we are justly proud, and for whom a copy of this resolution shall be provided that she may know of our sincere regard and warm best wishes for every future happiness and success.

Approved February 23, 1993

Time: 4:00 P.M.

Act No. 93-60 H.J.R. 109 – Reps. Butler, Freeman, Sanderford, Grayson, Haney, Hall, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hamilton, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING ROBERT W. HAGER FOR OUTSTANDING SERVICE TO THE HUNTSVILLE COMMUNITY.

WHEREAS, Robert W. Hager, vice president-general manager of the Boeing Missiles and Space Division, with the responsibility for all missile and space programs within the Boeing Company, resides in Huntsville, where he has served in numerous capacities of community leadership; and

WHEREAS, included among Mr. Hager's many responsible positions are tenures served on the University of Alabama in Huntsville Foundation Board of Trustees; Oakwood College President's Roundtable; Huntsville/Madison County Chamber of Commerce, as a member of its Foundation Board and Board of

Directors; the City of Huntsville, as a member of the Mayor's Vision 2000 Policy Board; and as a member of the Business Council of Alabama's Board of Directors; and

WHEREAS, he further has served on the Huntsville Hospital Foundation Board, as past chairman of the Technical and Business Exhibition/Symposium, and on the U. S. Space and Rocket Center's Exhibits Committee and Science Advisory Council; and

WHEREAS, Mr. Hager, despite the considerable demands of his position with Boeing, holds an unparalleled record of professional and civic leadership that has contributed greatly to the progress of the City of Huntsville, Madison County, and the State of Alabama; and

WHEREAS, the recipient of a Master of Science degree from the University of Washington, Robert Hager served on the staff of Sandia Corporation prior to joining Boeing in 1955; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding community contributions, service and leadership, we hereby most highly commend Robert W. Hager of Huntsville, Alabama, for whom a copy of this resolution of sincere tribute shall be provided.

Approved February 23, 1993

Time: 4:01 P.M.

Act No. 93-61

H.J.R. 113 – Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, February 18, 1993, they adjourn to meet again on Tuesday, February 23, 1993.

Approved February 23, 1993

Time: 4:02 P.M.

Act No. 93-62

H.J.R. 116 – Reps. Rockhold, Harper

HOUSE JOINT RESOLUTIONCONGRATULATING MRS. SARAH BARTON CUPIT ON
THE OCCASION OF HER 85TH BIRTHDAY.

WHEREAS, the Legislature of Alabama notes with great pleasure the occasion of the forthcoming birthday of Mrs. Sarah Barton Cupit of Theodore, Alabama, on March 6, 1993; and

WHEREAS, born March 6, 1908, in Winnfield, Louisiana, Mrs. Cupit married the late Felix Randolph Cupit in Tallulah, Louisiana, on November 29, 1925, and spent most of her life as a homemaker and rearing 7 daughters, Loleta Maxine, Mary Fern, Doris Louise, Betty Jean, Jewel Dean, Beatrice and Sarajane, and 3 sons, Jesse Leroy, Paul B. Johnson (deceased), and Michael Allen; and

WHEREAS, Mrs. Cupit, who as one daughter states is “one of the greatest,” is matriarch of four generations which includes 44 grandchildren, 53 great grandchildren and 2 great-great grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with her family, friends, and the entire Theodore community in extending heartiest congratulations to Mrs. Sarah Barton Cupit on her 85th birthday, March 6, 1993.

Approved February 23, 1993

Time: 4:03 P.M.

Act No. 93-63

H.J.R. 117 – Rep. Black (L)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. MAMIE BROWN OF
WARD, ALABAMA.

WHEREAS, it is with deep sorrow and regret that the Alabama Legislature records the death of Mrs. Mamie Brown of Ward, Alabama, in Sumter County, on February 1, 1993, at the age of 104 years; and

WHEREAS, Mrs. Mamie Brown, who was born October 27, 1888, was a much beloved member of the Ward community, and

was the loving and devoted mother of thirteen children, five of whom preceded her in death; and

WHEREAS, a faithful member of Union Chapel CME Church, she was indeed a noble lady whose life stood as a testament to her deep and abiding faith, and she will be sorely missed by all who were touched by her warm and gentle presence; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn her death, we give thanks for the life of Mrs. Mamie Brown of Ward, Alabama, and extend our deepest and most heartfelt sympathy to each member of her family, for whom a copy of this resolution of sincere condolence shall be provided.

Approved February 23, 1993

Time: 4:04 P.M.

Act No. 93-64

H.J.R. 118 – Reps. McMillan, Penry

HOUSE JOINT RESOLUTION

COMMENDING Y. CHARLES EARLE, JR., FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT.

WHEREAS, Y. Charles Earle, Jr., a real estate broker operating as Earle and Niemeyer, Inc., has been named Baldwin County's 1992 REALTOR of the Year in recognition of his many outstanding contributions to the real estate profession, to his fellow REALTORS, to the local association, and to the community at large; and

WHEREAS, Mr. Earle, in addition to his significant personal achievement as a highly successful REALTOR, has also served his profession in such leadership capacities as Regional Vice President for the Central Region in 1991 and as State Director in 1992; as a member of numerous committees over the years; and as a generous contributor to ARPAC; and

WHEREAS, a man of integrity, and a highly regarded member of the real estate community over the past 27 years, Mr. Earle has been equally committed in civic and community service through active leadership and participation in such organizations as the South Baldwin United Way, the Southern Region American Red Cross, the Thomas Hospital Trust Board, Colonial Bank, and as a member of St. James Episcopal Church, among many others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and as Baldwin County's 1992 REALTOR of the Year, we hereby most highly commend Y. Charles Earle, Jr., for whom a copy of this resolution of sincere tribute shall be provided.

Approved February 23, 1993

Time: 4:05 P.M.

Act No. 93-65

H.J.R. 51 – Rep. Campbell

HOUSE JOINT RESOLUTION

SUSTAINING THE DISAPPROVAL BY THE JOINT COMMITTEE ON ADMINISTRATIVE REGULATION REVIEW OF THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY'S PROPOSED AMENDMENT OF RULE NO. 410-1-2-.05, ENTITLED "HEALTH CARE FACILITY" OF, AND PROPOSED ADOPTION OF NEW RULE NO. 410-1-2-.23, ENTITLED "OFFICES OF PRIVATE PHYSICIANS OR DENTISTS," TO THE ALABAMA ADMINISTRATIVE CODE.

WHEREAS, on October 16, 1992, the State Health Planning and Development Agency filed a "Notice of Intended Action" of the proposed amendment of Rule No. 410-1-2-.05, entitled "Health Care Facility" and proposed new Rule No. 410-1-2-.23, entitled "Offices of Private Physicians or Dentists," to the Alabama Administrative Code, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the notices appeared on pages 17 and 18 of the October 30, 1992, Alabama Administrative Monthly and were the subject of review at the December 16, 1992, meeting of the Joint Committee on Administrative Regulation Review; and

WHEREAS, after hearing from interested persons, the Joint Committee, in accordance with Section 41-22-23(b), Code of Alabama 1975, disapproved the proposed amendment of Rule No. 410-1-2-.05, entitled "Health Care Facility" and proposed new Rule No. 420-1-2-.23, entitled "Offices of Private Physicians or Dentists"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the disapproval of the proposed amendment of Rule No. 410-1-2-.05, entitled "Health

Care Facility” and proposed new Rule No. 420-1-2-.23, entitled “Offices of Private Physicians or Dentists,” by the Joint Committee on Administrative Regulation Review, is hereby sustained.

This Act became a law under Section 125 of the Constitution on February 24, 1993 without approval by the Governor.

Act No. 93-66

H.J.R. 156 – Reps. Clark (J), Harvey, Gullatt, Starkey, White, Hawkins, Black (L), Beasley, Blakeney, Bryant, Butler, Cagle, Campbell, Carothers, Carter, Clay, Collins, Cosby, Crow, Cullins, Curry, Drake, Ford, Freeman, Fuller, Gaines, Goodwin, Hall, Hamilton, Hammett, Haney, Harper, Higginbotham, Hill, Hogan, Holladay, Holley, Hooper, Knight (A), Layson, Lindsey, McDaniel, McKee, McMillan, Melton, Mikell, Morton, Newton (C), Parker (T), Penry, Petelos, Powell, Rich, Richardson, Sanderford, Sanderson, Smith (C), Smith (R), Turner, Walker, Willis

HOUSE JOINT RESOLUTION

COMMENDING HIGHWAY DIRECTOR PERRY A. HAND FOR DISTINGUISHED ACHIEVEMENT AND SERVICE TO THE STATE OF ALABAMA.

WHEREAS, the Honorable Perry A. Hand, who has announced his plans to return to the private sector to continue his career in civil engineering, has served as Alabama’s 26th Highway Director since January 1991, during which period he was instrumental in the establishment of the Highway Improvement Program enacted by the Legislature in 1992; and

WHEREAS, prior to becoming Highway Director, Mr. Hand was appointed by Governor Hunt to the office of Secretary of State, and served an unexpired term from May 1989 to January 1991; from 1983 until 1991, he served with distinction as a member of

the Alabama Senate, representing a constituency of Baldwin and Mobile Counties in State Senate District 32; and

WHEREAS, Mr. Hand, a Cleburne County native, received a B.S. degree in civil engineering from Auburn University where he was selected as the "Most Outstanding Civil Engineering Graduate" in 1969, and was founder, president and chairman of the board of Perry Hand Associates, Inc., a consulting engineering firm, from 1971-1991; and

WHEREAS, during the past twenty-two years, Perry Hand has distinguished himself as a highly successful professional engineer and businessman, and one of our state's most dedicated public servants as a State Senator, Secretary of State and Director of the Alabama Highway Department, a record of service and achievement that can be matched by very few individuals; and

WHEREAS, we further note that Mr. Hand's contributions to his profession, the business community and state have been previously recognized through the bestowal of a number of awards and honors, while the leadership he has provided in these areas is reflected also in the offices of trust he has held in many professional associations and societies, at both state and national levels, as well as numerous and responsible committee assignments as a member of the Senate; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep appreciation of outstanding service to the engineering profession and the State of Alabama, we hereby most highly commend the Honorable Perry Hand of Gulf Shores, Alabama, and do further direct that he receive a copy of this resolution, executed in admiration of his many accomplishments, and with sincere best wishes for every future success in life.

Approved February 26, 1993

Time: 2:30 P.M.

Act No. 93-67

H.J.R. 107 – Reps. McMillan, Penry

HOUSE JOINT RESOLUTION

COMMENDING H. E. "BUDDY" SMITH FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND SERVICE.

WHEREAS, the December 1992 retirement of H. E. "Buddy" Smith ended a distinguished career of some 37 years with the Mobile Press and Register; and

WHEREAS, a native of Mobile and reared in Stockton, Alabama, Mr. Smith received a degree in journalism from the University of Alabama where he founded the Press Club, a professional journalism society; and

WHEREAS, after working for the Jasper Mountain Eagle and the South Alabamian, Buddy Smith joined the Mobile Press and Register in 1936 and, over the course of his career, was state news editor, staff writer and columnist; and

WHEREAS, Mr. Smith, in recent years, worked out of the Foley Bureau for the Baldwin Press Register where he wrote "Passing Comment," one of several columns he wrote for the Mobile Press and Register, including a history column on South Alabama counties and "Outdoors"; and

WHEREAS, among a number of awards received by Mr. Smith, in recognition of excellence in journalism, are the W. Kelley Mosley Environmental Award, and the Alabama Wildlife Federation's Conservation Communicator of the Year award which he received on two occasions; and

WHEREAS, H. E. "Buddy" Smith is indeed an outstanding journalist who has greatly contributed to his profession, and he will be sorely missed by his co-workers and peers, as well as by a countless number of regular readers and fans; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend H. E. "Buddy" Smith on his distinguished career and direct that he receive a copy of this resolution of highest regard and best wishes for a long and happy retirement.

Approved March 2, 1993

Time: 4:30 P.M.

Act No. 93-68

H.J.R. 120 – Reps. White, Drake, Clark (J),
Warren, Ford, Morrow, Burke,
Higginbotham, Flowers,
Hammett, Holley, Fuller,
Beasley, Mathis, Carothers,
Haynes, Campbell, Turnham,
Hall, Cullins, Smith (C)

HOUSE JOINT RESOLUTION

REQUESTING THE RETENTION OF GOVERNOR LURLEEN
B. WALLACE'S PORTRAIT IN THE STATE CAPITOL ROTUNDA.

WHEREAS, Lurleen B. Wallace is the only woman to have been elected Governor of the State of Alabama; and

WHEREAS, Lurleen B. Wallace holds an important position in the history of our state and nation; and

WHEREAS, Governor Lurleen B. Wallace, while serving as Governor of Alabama, was ranked in the top ten most admired women in the world; and

WHEREAS, Lurleen B. Wallace displayed great courage and faith in her life during her illness with cancer; and

WHEREAS, Lurleen Burns Wallace was loved by all the people of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the official portrait of Governor Lurleen B. Wallace is of such significant historical importance that it shall be displayed in the Center Rotunda of the First Floor of the State Capitol from this date henceforth.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to former Governor George C. Wallace, his family, and the Alabama Historical Commission so they may know of our intent that this historic portrait will be forever displayed.

Approved March 2, 1993

Time: 4:31 P.M.

Act No. 93-69

H.J.R. 121 – Reps. McKee, Hooper, Mikell,
Knight (J), Holmes, Walker

HOUSE JOINT RESOLUTION

COMMENDING MONTGOMERY'S ROBERT E. LEE HIGH SCHOOL ON THE 1992 STATE CLASS 6A FOOTBALL CHAMPIONSHIP.

WHEREAS, it is with highest commendation that the Alabama Legislature congratulates Coach Spence McCracken and Robert E. Lee High School on the 1992 State Class 6A Football Championship, making it two in-a-row for the Generals; and

WHEREAS, championship football is indeed a tradition at Montgomery's Lee High which now has ten state titles to its credit, including three in-a-row in 1958, 1959 and 1960; back-to-back state crowns in 1962 and 1963, and again in 1969 and 1970; and

the 1986, 1991 and 1992 champions during Spence McCracken's nine seasons as the General's head coach; and

WHEREAS, in recapping Robert E. Lee's phenomenal 1992 season, the Generals were 8-1-0 going into state competition, and 13-1-0, overall, after defeating Talladega (30-7), Opelika (25-18), Anniston (17-15), and Vigor (24-7) in the 1st, 2nd, 3rd and 4th rounds of the playoffs; and shutting out Vigor High, 14-0, in the title game; and

WHEREAS, Coach Spence McCracken, his fine coaching staff, and each and every member of Robert E. Lee's 1992 football team are deserving of highest praise for their contributions to the season's many accomplishments and the 1992 State Championship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary achievement we hereby most highly commend Coach Spence McCracken and the Robert E. Lee High School Generals as our state's Class 6A Football Champions for 1992, and do further direct that copies of this resolution be prepared for appropriate presentation and school display.

Approved March 2, 1993

Time: 4:32 P.M.

Act No. 93-70

S.J.R. 24 – Senators Foshee and Little

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF J. M. MERRILL OF COVINGTON COUNTY.

WHEREAS, it is with deep and abiding grief that the Alabama Legislature records the death of J. M. "Jess" Merrill of Covington County on November 15, 1992, at the age of 94 years; and

WHEREAS, a native of Rose Hill and lifelong Covington County resident, Mr. Merrill graduated from Troy State Normal College in 1926, and served as principal of Rose Hill School until 1933; he then worked for a short while in Evergreen before establishing J. M. Merrill Motors in Andalusia, which he owned and operated for many years; and

WHEREAS, Mr. Merrill, widely known for his involvement in civic affairs, was a three-term chairman of the Covington County Commission, and was a member, former president and district

governor of the Lions Club, which honored him as Lions Man of the Year; he also was a longtime member and past president of the Andalusia Chamber of Commerce, which conferred upon him the status of "lifetime honorary director" and "Citizen of the Year", and was a former director of South Central Mental Health Board; and

WHEREAS, most especially dedicated to Andalusia First Baptist Church for over 50 years, Mr. Merrill was a member of the Baraca Class and the church choir, and a former chairman of the Board of Deacons; and

WHEREAS, Jess Merrill was indeed an honest and honorable man, an exemplar of responsible and responsive citizenship, and he is sorely missed by all those who are grateful for his presence in their lives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life of J. M. "Jess" Merrill and extend our most heartfelt sympathy to his sons, Warren and Jake Merrill; daughter, Frances Rebecca Wilder; and other family members, for whom copies of this resolution shall be provided.

Approved March 2, 1993

Time: 4:35 P.M.

Act No. 93-71

S.J.R. 26 – Senator Figures

SENATE JOINT RESOLUTION

RECOGNIZING ALABAMA'S PUBLIC HEALTH NURSES AND THEIR PROFESSIONAL CONTRIBUTIONS.

WHEREAS, the Alabama State Health Department is joining the other 49 states and four territories in celebrating the centennial year of public health nursing in the United States; and

WHEREAS, professional public health nursing in America began in New York City in 1893 when Lillian Wald began a nursing practice from her home, the need for which was awakened by a child who sought Miss Wald's help for her mother who had recently given birth and was in need of care; and

WHEREAS, thus was born the public health nursing profession whose members have served unselfishly, over the past one hundred years, as guardians of the public's health; and

WHEREAS, the invaluable contributions of public health nurses in Alabama include such major services as the protection

and promotion of health through preventive health teaching and skilled nursing measures; health assessments/instruction and supervision of the citizenry; and the provision of a high standard of care to individuals, regardless of their religion, socio-cultural or economic diversities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition and celebration of the centennial (1893-1993) of public health nursing, we hereby commend the many public health nurses throughout the State of Alabama, and do further direct that a copy of this resolution of honor and esteem be forwarded to the Public Health Nursing Centennial Committee, Alabama Department of Public Health.

Approved March 2, 1993

Time: 4:36 P.M.

Act No. 93-72

S.J.R. 27 – Senator Campbell

SENATE JOINT RESOLUTION

COMMENDING ELAINE COX ABSTON OF DECATUR, ALABAMA.

WHEREAS, it is with great pleasure that the Legislature of Alabama notes the selection of Elaine Cox Abston of Decatur, Alabama as Mrs. Alabama 1992, and as third runner-up in the Mrs. America pageant; and

WHEREAS, a native of Birmingham and the wife of Mac Abston, Elaine Abston earned her bachelor's degree in fashion merchandising from the University of North Alabama, a master's degree in education from Valdosta College, and is pursuing a career in health care administration; and

WHEREAS, Mrs. Abston is a member of the Baptist Young Women and the Central Baptist Church Sunday School Department, and has served as a volunteer with the Valdosta State College Athletic Department and the American Cancer Society, among other community involvement; and

WHEREAS, a beautiful lady, Mrs. Abston is a positive thinker who strongly believes "you can control your own destiny"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition

of outstanding achievement, we hereby most highly commend Elaine Cox Abston of Decatur, Alabama, and direct that she receive a copy of this resolution of sincere praise and tribute.

Approved March 2, 1993

Time: 4:37 P.M.

Act No. 93-73

S. 90 – Senator Lindsey

AN ACT

Amending Sections 29-1-12, 29-1-13, and 41-4-150, Code of Alabama 1975, providing for the time period for the preparation, delivery, and distribution of the journals of the House of Representatives and the Senate.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 29-1-12, 29-1-13, and 41-4-150, Code of Alabama 1975, are amended to read as follows:

“§29-1-12.

“(a) For the purpose of checking, comparing, completing, and filing the journals of their respective houses in the office of the secretary of state, and copying and delivering the journals to the state printer in such form or state of completion, including camera ready drafts, the final form for printing, or other forms as the clerk or secretary deem necessary and appropriate, or, in the discretion of the secretary or clerk, for the purpose of preparing the final bound and printed journals, the secretary of the senate and the clerk of the house shall be allowed the following clerical assistants:

“(1) The secretary of the senate shall be allowed the assistant secretary, second assistant secretary, the chief clerk, the reading clerk of the senate, and the enrolling and engrossing clerk, together with such employees as are necessary for the purpose of checking, comparing, completing, and filing the journals. The total number of employees retained after a session ceases shall not exceed 30 employees in addition to those permanently employed.

“(2) The clerk of the house shall be allowed the assistant clerk, second assistant clerk, the reading clerk, the chief clerk to the clerk of the house, and the enrolling and engrossing clerk, together with such employees as are necessary for the purpose of checking, comparing, completing, and filing the journals. The total number of employees retained shall not exceed 36 employees in addition to those permanently employed.

“(b) The secretary of the senate and the clerk of the house shall be allowed 16 weeks with these clerical assistants within which to

check, compare, and deliver the journals of the senate and the house of representatives of each session of the legislature to the secretary of state and the state printer. The journals of the 10-day or organization session of the legislature shall be compiled, combined, and filed with the journals of the next ensuing regular session. The time allowed after final adjournment of any session, other than the 10-day or organization sessions, for the filing of the journals in the office of the secretary of state and completing the work specified by this subsection shall be 16 weeks. If there is a special session during, or within 16 weeks after the final adjournment of a regular session, or if there is a regular session within 16 weeks after the final adjournment of a special session, or if there is a special session within 16 weeks after the final adjournment of a special session, the time for comparing and filing the journals of such sessions, including the indices, shall be extended for each session for a period of time as the speaker of the house and the president of the senate may determine to be necessary for the clerk and secretary to have sufficient time within which to transcribe and file the journals of each house. The extended time shall not exceed a total of 16 weeks for each session. Notwithstanding the foregoing, the Speaker of the House and the President of the Senate may, in instances of extreme hardship, unforeseen circumstances, or uncontrollable circumstances, grant to the clerk and secretary an extra time extension that is in addition to any other extension permitted by law. If the time is extended, the speaker of the house and the president of the senate shall give written notice to the secretary of the state and to the state printer of the extension.

“§29-1-13.

“The secretary of the senate and the clerk of the house of representatives shall be allowed 16 weeks from the date of the final adjournment of each session of the legislature of Alabama, other than the 10-day or organization session, in which to check, compare, and deliver the journals of the house and senate to the secretary of state in such form or state of completion, including camera ready drafts, the final form for printing, or other forms, as the clerk or secretary deem necessary and appropriate, and copy and deliver the journals of their respective houses to the public printer; or, alternatively, to prepare the final bound and printed journals, if the secretary or clerk in his or her discretion decides to do so, within his or her own respective office. For these services, when performed, the secretary or clerk shall receive respectively the sum of \$800.00, which shall be paid out of the appropriation made for the per diem and expenses of that session of the legislature upon presentation to the comptroller of proper certificates signed by the proper officers of their respective houses.

“§41-4-150.

“(a) The printer shall, within 90 days after being furnished a copy of the last act, print, as herein provided, package or box in complete sets, and distribute pursuant to an address list furnished by the secretary of state, 1,300 copies of the bound acts, which copies shall be indexed, stitched, half-bound, and lettered.

“(b) If the house and senate elect to contract with the state printer, within 150 days after receipt of the copy from the secretary of the senate and clerk of the house of representatives, which period shall include the 30 days mentioned in subsection (c) of section 41-4-148, the printer shall distribute in packaged or boxed sets pursuant to an address list furnished by the secretary of state, 450 copies of the journal of each house, which copies shall be indexed, bound, and lettered.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 2, 1993

Time: 4:38 P.M.

Act No. 93-74

H.J.R. 126 – Reps. Higginbotham, Turnham

HOUSE JOINT RESOLUTION

COMMENDING LEE COUNTY VOLUNTEER FIRE FIGHTERS FOR OUTSTANDING SERVICE IN THEIR VITAL ROLE AS A PART OF THE COUNTY'S EMERGENCY RESPONSE SYSTEM.

WHEREAS, Volunteer Fire Fighters throughout Lee County devote their untiring efforts to limiting loss of lives and property in their respective protection areas; and

WHEREAS, these courageous fire fighters enjoy an enviable record of service which has instilled great confidence and peace of mind in those they continuously serve with dedicated loyalty, and through prompt and professional response to their emergency needs; and

WHEREAS, the training, skill, dedication and efficiency of Lee County's Volunteer Fire Fighters are widely known and acknowledged by a supportive and grateful citizenry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Volunteer Fire Fighters in Lee County, Alabama, for distinguished service to their communities and direct

that copies of this resolution be prepared for appropriate presentation and display.

Approved March 2, 1993

Time: 4:40 P.M.

Act No. 93-75

H.J.R. 128 – Rep. Morton

HOUSE JOINT RESOLUTION

NAMING HERMAN MOORE OF BIRMINGHAM “LIBRARY SUPPORTER OF THE YEAR, 1991” FOR THE STATE OF ALABAMA.

WHEREAS, for over 40 years, Herman Moore of Birmingham has worked for the betterment of Alabama’s school, public, and private libraries in a variety of ways; and

WHEREAS, he was a founding member of the Alabama Instructional Media Association, Alabama Library Forum, Friends of Alabama Libraries, and Library and Media Professional Workshops; and

WHEREAS, Mr. Moore has received awards from the Alabama Library Association, the Alabama Instructional Media Association, Friends of Alabama Libraries, Chapter 1 Conference Group, and Library and Media Professional Workshops; and

WHEREAS, the Southeastern Library Association, at its bi-annual conference held in New Orleans, Louisiana, in late March, awarded Herman Moore the Highly Esteemed “President’s” Award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend and congratulate Herman Moore on his accomplishments and honors, and in recognition and gratitude for his dedicated support of our state’s school, public, and private libraries, do hereby designate and name Herman Moore, “Library Supporter of the Year, 1991” for the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Moore as a memento of this honorary designation by the Legislature, executed in highest esteem and with our warmest personal regards.

Approved March 2, 1993

Time: 4:41 P.M.

Act No. 93-76

H.J.R. 142 – Reps. McMillan, Ford, Bugg,
Smith (R), Penry

HOUSE JOINT RESOLUTION

COMMENDING DOROTHY L. WRIGHT FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

WHEREAS, it is with highest commendation and esteem that the Legislature of Alabama recognizes Dorothy L. Wright for dedicated service to the Alabama State Tenure Commission for the past 27 years, and as president of the Alabama Congress of Parents and Teachers; and

WHEREAS, Dorothy L. Wright was first appointed to the Commission on May 10, 1965, and beginning in 1974, served alternately as vice chairman (1974-75 and 1978-80), and as chairman, 1975-78 and from 1980 until her term ended on December 11, 1992, for a total of 3 years and 15 years, respectively, in these positions of leadership; and

WHEREAS, prior to her appointment to the Alabama State Tenure Commission, Mrs. Wright served from 1963 to 1965 as president of the Alabama Congress of Parents and Teachers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to outstanding devotion and service to the Alabama State Tenure Commission, and in recognition of her service as president of the Alabama Congress of Parents and Teachers, we hereby most highly commend Dorothy L. Wright, and direct that she receive a copy of this resolution of sincere tribute and esteem.

Approved March 2, 1993

Time: 4:42 P.M.

Act No. 93-77

H.J.R. 143 – Rep. Hooper

HOUSE JOINT RESOLUTION

COMMENDING THE MONTGOMERY SOUTHEAST YMCA BLUES AS THE STATE 8 YEAR OLDS BASKETBALL TOURNAMENT CHAMPIONS.

WHEREAS, the Legislature of Alabama is exceedingly pleased to congratulate and commend the Montgomery Southeast Blues on the 1993 YMCA 8 Year Olds State Basketball Championship; and

WHEREAS, the Montgomery Southeast Blues, assembled at courtside prior to the title match held February 13, 1993, in Montgomery, and entered the game filled with a confidence that comes only from hard practice, and from thorough coaching in the fundamentals of the game which was most ably provided by the Blues' coaches, Doug Aman and Joe Espy; and

WHEREAS, following a fast-paced hard-fought match ending 21-10 against Montgomery's Cleveland Avenue YMCA team, the outstanding young athletes from Southeast "Y", wearing red and blue, exited the court as YMCA 8 Year Olds State Basketball Champions; and

WHEREAS, the Blues Champions for 1993 are Bobby Trott, Drew Sullivan, Ty Tyson, Perry Hooper, III, Frank Aman, Adrian Gipson, William Davis, Rob Davis, Allan Barnett and Jonathan Barganier, each and every one of whom contributed greatly to their team's outstanding season, and the 1993 State Crown; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby commend and congratulate the Montgomery YMCA Southeast Blues and their outstanding coaches, Joe Espy and Doug Aman, to whom copies of this resolution of highest praise shall be presented.

Approved March 2, 1993

Time: 4:43 P.M.

Act No. 93-78

H.J.R. 144 – Rep. Kvalheim

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF WILLARD CLIFFORD LOWERY OF MOBILE, ALABAMA.

WHEREAS, it is with deep and abiding sorrow that the Alabama Legislature records the death of Willard Clifford Lowery of Mobile, Alabama, on February 12, 1993; and

WHEREAS, Mr. Lowery, a native of Foley, Alabama, and a longtime resident of Mobile, was a faithful member of the Cottage Hill Baptist Church; he retired from AmSouth Bank following 29 years of dedicated service, and was working with Charles Hayes Caldwell Banker Real Estate Company at the time of his lamentable death; and

WHEREAS, the death of Willard Clifford Lowery has indeed left an unfathomable void in the life of his community, and in the hearts of his beloved family and all those whose lives he touched in love, care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Willard Clifford Lowery of Mobile, Alabama, and extend deepest and most heartfelt sympathy to his wife, Anne Edwards Lowery; sons, Willard Clifford Lowery, Jr., and Stephen Anthony Lowery; and to other family members for whom a copy of this resolution of sincere condolence shall be provided.

Approved March 2, 1993

Time: 4:44 P.M.

Act No. 93-79

H.J.R. 145 – Reps. Cullins, Venable

HOUSE JOINT RESOLUTION

COMMENDING E. C. GWALTNEY OF RUSSELL CORPORATION FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

WHEREAS, it is with highest commendation that the Alabama Legislature notes the extraordinary accomplishments and contributions of E. C. (Gene) Gwaltney during his distinguished career with Russell Corporation; and

WHEREAS, for the past 25 years, Gene Gwaltney has led Russell Corporation, the Alexander City based textile plant, as either president, or as chairman of the board and chief executive officer and in this time, the corporation has experienced phenomenal growth, moving from a small-town textile mill to a Fortune 500 company, and a leader among the nation's textile industries; and

WHEREAS, under his astute and dynamic leadership and long-term management philosophy, Russell Corporation has become an industry model and a leader in research, technology and product quality; sales have grown from \$15 million in 1968 to \$899 million in 1992; and the market value of the corporation's stock has increased incredibly from \$20 million to more than \$1.5 billion; and

WHEREAS, his impact on the Alexander City community has been equally as great, and the success and prosperity the community has enjoyed have been primarily due to his leadership, influence and personal generosity; and

WHEREAS, Mr. Gwaltney has also significantly influenced numerous issues of public concern, at the local, state and national levels, through leadership and involvement in industry, educational and civic organizations, including the Alabama Textile Manufacturer's Association, the Russell Hospital Board of Trustees, the Birmingham Branch of the Federal Reserve Board and the University of Alabama College of Commerce and Business Administration, among many others; and

WHEREAS, in tribute to his accomplishments, he was named Alexander City Man of the Year in 1978, Textile Man of the Year in 1982 and, in 1991, was inducted into the Alabama Business Hall of Fame, and chosen by Fortune Magazine as one of the 25 exemplary business people in the country; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment and contributions to Russell Corporation, the Alexander City community, the state, and nation, we hereby most highly commend E. C. (Gene) Gwaltney, for whom a copy of this resolution shall be provided with sincere best wishes for continued good health and happiness in his forthcoming retirement.

Approved March 2, 1993

Time: 4:45 P.M.

Act No. 93-80

H.J.R. 133 – Reps. McKee, Mikell, Walker,
Knight (J), Holmes, Hooper

HOUSE JOINT RESOLUTION

COMMENDING GEORGE W. LEAK FOR OUTSTANDING PERFORMANCE AND ACHIEVEMENT.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Trooper George W. Leak of the Alabama Department of Public Safety on his selection as 1992 Law Enforcement Officer of the Year by The Montgomery Advertiser/Alabama Journal; and

WHEREAS, Trooper Leak, a 14-year veteran of the Highway Patrol Unit in Montgomery, and a member of the Public Safety Department's hostage negotiating team, first became involved in hostage-release work as a member of the Montgomery Police Department; and

WHEREAS, over the years as a hostage negotiator, Trooper Leak has responded to numerous crisis situations, statewide, resulting in the release of countless hostages; one such incident occurred in Eufaula, Alabama, in November 1991, when Trooper Leak, over a 3-day period, negotiated the safe release of 3 small children held captive by their father, an armed fugitive wanted for attempted murder; and

WHEREAS, as a certified negotiation instructor, he has conducted numerous schools and seminars, and many of his instruction materials are used by the F.B.I. as a part of its hostage negotiations training program; and

WHEREAS, a member of the Highland Church of Christ, Trooper Leak is a founder and the first president of Hostage Negotiators of America, and a member of the Montgomery Vietnam Veterans Association; he also has served as president of the Alabama State Trooper Association, and as a member of its board of directors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding public service, and as 1992 Law Enforcement Officer of the Year, we hereby most highly commend State Trooper George W. Leak, for whom a copy of this resolution shall be provided.

Approved March 2, 1993

Time: 4:46 P.M.

Act No. 93-81	H.J.R. 134 – Reps. Parker (T), Drake, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Coshy, Crow, Cullins, Curry, Dolbare, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill,
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Hogan, Holladay, Holley, Holmes,
 Hooper, Johnson, Kennedy,
 Knight (A), Knight (J), Kvalheim,
 Laird, Layson, Letson, Lindsey,
 Mathis, McClain, McDaniel,
 McDowell, McKee, McMillan,
 Melton, Mikell, Millican, Morrow,
 Morton, Newton (C), Newton (D),
 Parker (P), Payne, Penry, Perdue,
 Petelos, Poole, Powell, Rich,
 Richardson, Rockhold, Rogers (F),
 Rogers (J), Sanderford, Sanderson,
 Smith (C), Smith (R), Spratt,
 Starkey, Thomas, Turner,
 Turnham, Venable, Walker,
 Warren, White, Williams, Willis,
 Zoghby

HOUSE JOINT RESOLUTION

COMMENDING THE UNIVERSITY OF ALABAMA ON THE 1992 NATIONAL FOOTBALL CHAMPIONSHIP.

WHEREAS, Alabama's spectacular 34-13 victory over top ranked and favored Miami in the Sugar Bowl marked their 25th post-season bowl win, and 45th bowl appearance, and made for a perfect ending to the Tide's Football Centennial; and

WHEREAS, in capturing a number-one ranking in all four major national polls, the Crimson Tide now claims 12 national championships; and

WHEREAS, Alabama finished the 1992 season with a perfect 13-0, a school record for most wins in a season; now holds the nation's longest winning streak at 23-in-a-row; finished 8-0 in the Southeastern Conference; won the first-ever SEC Championship game and the team's 20th SEC title; and with 682 all-time victories, are tied for third on the NCAA career win list; and

WHEREAS, the University of Alabama's record-breaking season was accomplished under the leadership of Head Coach Gene Stallings who received seven well-deserved National Coach of the Year awards and was the recipient also of four SEC Coach of the Year awards; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding performance and accomplishment, and as the 1992 National Football Champions, we hereby most highly commend the Alabama Crimson Tide, and do further direct that copies of

this resolution be provided for appropriate presentation and display at the University of Alabama.

Approved March 2, 1993

Time: 4:47 P.M.

Act No. 93-82

H.J.R. 135 – Rep. Black (M)

HOUSE JOINT RESOLUTION

COMMENDING GENE BUSBY OF TUSCUMBIA, ALABAMA, ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, Gene Busby of Tuscumbia, prior to retirement on November 30, 1992, had been a familiar figure to employees and visitors at the Colbert County Courthouse since May 23, 1961; and

WHEREAS, Mr. Busby, a cerebral palsy victim, is a graduate of Deshler High School, and completed a rehabilitation program in Gadsden where he was steered toward a career as a merchant; and

WHEREAS, he then attended Larimore Business School in Florence, returning to Tuscumbia to establish and operate a snack bar at the courthouse; and

WHEREAS, over the years, Gene Busby endeared himself to his customers, whom he never failed to greet with a smile and cheerful comment; he also is blessed with a keen wit, a wonderful sense of humor, a capacity for happiness, and a generous spirit; and

WHEREAS, those who know him best are the many courthouse employees whom he treated to soft drinks on Christmas; the visiting family members of jail inmates who found his snack bar open, even on Sundays, for their convenience; and the countless Colbert County residents whom he welcomed to the courthouse, and who were always cheered by his happy outlook on life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his outstanding career as operator of the snack bar at the Colbert County Courthouse for more than 31 years, we hereby most highly commend Gene Busby of Tuscumbia, Alabama, for whom a copy of this resolution shall be provided, that he may know of our sincere praise and of our warm best wishes for every future happiness and success in life.

Approved March 2, 1993

Time: 4:48 P.M.

Act No. 93-83

H.J.R. 137 – Rep. Holmes

HOUSE JOINT RESOLUTION

COMMENDING MRS. THELMA MCWILLIAMS GLASS FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

WHEREAS, the Legislature of Alabama, in highest commendation, today recognizes a prominent Montgomerian who has greatly achieved in her chosen field, and continues in support of the community and of Alabama State University where she served with distinction as associate professor and geography chairman for thirty-four years; and

WHEREAS, Mrs. Glass, a 1941 graduate of Alabama State University, received her master's degree from Columbia University, and completed advanced studies both at Columbia and at the University of Minnesota; following tenures as senior social studies teacher in Abbeville, Alabama, and Charlotte, North Carolina, she returned to her Alma Mater where she served in dedicated commitment to the highest ideals of her profession until retiring in 1981; and

WHEREAS, in recognition of her many accomplishments, Mrs. Glass has received numerous distinctions over the years, including Salutatorian, Alabama State University; Senior Achievement Award, MACOA and the Montgomery Advertiser-Journal; ASU Outstanding Alumni Award; two special awards for services to youth projects by Links, Inc.; and the 1981 dedication of the Thelma McWilliams Glass Auditorium at ASU in her honor, among untold other bestowals; and

WHEREAS, Mrs. Glass, in significant contributions to the community, has been active in service to St. John's AME Church, the Montgomery Chapter of Links, Inc., the Agnes J. Lewis Federated Club, and to her sisterhood, Alpha Kappa Alpha Sorority, as a Life Member and Golden Soror; and

WHEREAS, the widow of Arthur O. Glass, professor of biology at ASU for thirty years, Mrs. Glass is the matriarch of a family which boasts three generations of Alabama State University affiliates; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with Alabama State University, the Montgomery community and countless admirers who stand in tribute to the accomplishments and lifelong service of Mrs. Thelma McWilliams Glass, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

Approved March 2, 1993

Time: 4:49 P.M.

Act No. 93-84

H.J.R. 146 – Rep. Carns

HOUSE JOINT RESOLUTION

COMMENDING THOMAS E. BRADFORD, JR., FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

WHEREAS, Thomas E. Bradford, Jr., a resident of Birmingham and Chairman of the Board of Bradford & Company, Incorporated, has contributed significantly not only to the business community but in civic responsibility as well; and

WHEREAS, Mr. Bradford has served as president of both Sunbelt Sweeteners, Incorporated, and Birmingham Food Brokers Association, and as director of the Alabama Wholesale Distributors Association, City Federal Savings and Loan, and SouthTrust Bank; and

WHEREAS, he has further provided leadership and support to the Birmingham Area Chamber of Commerce, the Salvation Army Board, United Way, the Boy Scouts and Camp Fire Girls, the Briarcliff Christian School Board, and the Briarcliff Presbyterian Church, to name but a few; and

WHEREAS, a native of Selma, Mr. Bradford graduated Summa Cum Laude with a B.S. degree in commerce from Washington and Lee University, where he was a member of Phi Beta Kappa, Beta Gamma Sigma, and Kappa Alpha fraternity; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions and service, we hereby most highly commend Thomas E. Bradford, Jr., of Birmingham, Alabama, for whom a copy of this resolution of sincere tribute shall be provided.

Approved March 2, 1993

Time: 4:50 P.M.

Act No. 93-85

H.J.R. 147 – Rep. Carns

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF DONALD L. COLLINS OF BIRMINGHAM, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Donald L. Collins of Birmingham, Alabama, on January 23, 1993, at the age of 63 years; and

WHEREAS, a native of Gadsden, Alabama, Donald Collins received his undergraduate degree from Jacksonville State University and, following service in the United States Marine Corps during the Korean conflict, returned home and graduated with honors from the University of Alabama School of Law; and

WHEREAS, Mr. Collins was engaged in the practice of law for some 35 years and represented Jefferson County in the Alabama House of Representatives from 1962-1966; and

WHEREAS, for almost three decades he was a well-known and dedicated leader in the Alabama Republican Party, and was the party's nominee for Attorney General in 1966, Lieutenant Governor in 1976, and for the Alabama Supreme Court in 1988; he also was appointed twice to the National Institution of Justice Leaders, a Department of Justice advisory group, by President Ronald Reagan; and

WHEREAS, a faithful member of Christ Episcopal Church, Mr. Collins had recently been appointed by Pat Robertson to serve as the Alabama director of the Robertson Christian Coalition; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Donald L. Collins of Birmingham, Alabama, and extend heartfelt sympathy to his wife, Mrs. Hannah Collins; sons, Donald L. Collins, Jr., and Clay Collins; daughters, Cindy Herring and Casey Collins; and to other family members for whom a copy of this resolution of sincere condolence shall be provided.

Approved March 2, 1993

Time: 4:51 P.M.

Act No. 93-86

S.J.R. 41 – Senators Owens, Dial,
Bolling and Bedsole

SENATE JOINT RESOLUTION

CREATING A COMMITTEE TO INVESTIGATE THE MEDICAID CRISIS.

WHEREAS, The Alabama Medicaid Agency has notified providers and medicaid recipients of a shortage of funds, and

WHEREAS, those providers and recipients have contacted their representatives in the Alabama Legislature, and

WHEREAS, Medicaid recipients (especially the elder citizens of this State) who rely on Medicaid funds for essential medical services, and

WHEREAS, the Alabama Legislature has not been sufficiently informed as to the cause and resulting effect of the shortage of funds to the Alabama Medicaid Agency for the fiscal years ending September 30, 1993 and 1994; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature establish a committee to work with Governor Guy Hunt and the Alabama Medicaid Agency to determine the cause of any shortfall in state funds to the Alabama Medicaid Agency and to formulate proposals to deal with any determined shortage of funds.

The Committee shall be composed of the Chairman and Deputy Chairman of the Senate Finance and Taxation Committee, the Chairman and Vice-Chairman of the House Committee on Ways and Means, three Senate members appointed by the Lieutenant Governor and three House members appointed by the Speaker of the House of Representatives. The Committee shall report to the Legislature its findings by the fifteenth legislative day.

Approved March 10, 1993

Time: 9:50 A.M.

Act No. 93-87

S.J.R. 31 – Senators Windom, Hale,
Ghee and Foshee

SENATE JOINT RESOLUTION

SUPPORTING SENATORS HEFLIN AND SHELBY IN THEIR EFFORT TO REDUCE THE REGULATORY BURDEN ON BANKS.

WHEREAS, 212 Alabama banks representing more than \$42 billion in assets have remained among the safest and soundest in the nation in a turbulent economic environment while maintaining strong customer and community relationships; and

WHEREAS, this ranking is a positive reflection on the State of Alabama and the environment it has created for the banking industry; and

WHEREAS, Alabama banks employ more than 23,000 individuals—significantly contributing to alleviating the dilemma of unemployment in the state; and

WHEREAS, astounding compliance costs, more than \$168 million in Alabama in 1991, drain scarce banking resources that could be utilized for the "real" business of banking—providing loans to rejuvenate Alabama's economy; and

WHEREAS, Alabama banks stand firmly behind those regulations aimed at maintaining the safety and soundness of a bank; however, the cost to comply can be drastically reduced without affecting the validity of these basic laws; and

WHEREAS, the Honorable Richard Shelby has introduced a regulatory reform package in the United States Congress—S. 265 The Economic Growth and Regulatory Paperwork Reduction Act of 1993—which would relieve many of the areas of burden in the banking industry; and

WHEREAS, the Honorable Howell Heflin has joined Senator Shelby in his effort to reduce the burden through his co-sponsorship of S. 265, further strengthening Alabama's support of this cause; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we support Senators Shelby and Heflin, the Alabama Bankers Association, and the directors, officers and employees of Alabama banks, in this effort to reduce the unnecessary paperwork and excessive compliance costs while still maintaining the security of the banking industry.

Approved March 16, 1993

Time: 9:30 A.M.

Act No. 93-88

S.J.R. 32 – Senators Campbell, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, B. Smith, J. Smith, Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

CONGRATULATING AND RECOGNIZING ALABAMA JUNIOR COLLEGE ATHLETIC HALL OF FAME.

WHEREAS, junior college athletics started in Alabama in 1891; and

WHEREAS, the Alabama Junior College Athletic Hall of Fame was established in 1989 to recognize outstanding contributions to athletics in Alabama; and

WHEREAS, the Class of 1993 has been duly elected; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby congratulate and recognize the Class of 1993.

BE IT FURTHER RESOLVED, That each of the following inductees shall receive a copy of this resolution: Jimmy Archibald, Calhoun State Community College; Jimmy Doerr, Jefferson State Community College; James Hobbs, Calhoun State Community College; Doug Key, Chattahoochee Valley State Community College; Dr. Bal Moore, Jefferson State Community College; and Costroe F. Palmer, Sr., Bishop State Community College.

Approved March 16, 1993

Time: 9:31 A.M.

Act No. 93-89

S.J.R. 34 – Senator Windom

SENATE JOINT RESOLUTION

URGING THE UNITED STATES CONGRESS TO TAKE ALL NECESSARY AND APPROPRIATE ACTION TO REDUCE THE REGULATORY BURDEN ON BANKS.

WHEREAS, billions of dollars of regulatory paperwork costs are imposed on the banking industry each year; and

WHEREAS, in a recent survey by the Independent Bankers Association of America and the Independent Community Bankers Association of Alabama, it was found that banks spend an estimated \$11 billion a year on compliance; and

WHEREAS, banks with assets of less than \$50 million, which represents half of the banks in the nation, are hit particularly hard and spend 25 percent of their operating costs on regulatory compliance; and

WHEREAS, in Alabama alone, \$150 million was spent last year in regulatory compliance; and

WHEREAS, compliance costs absorb scarce banking resources that could be better used for the core business of banking, of

making loans and providing high quality financial products and services to customers; and

WHEREAS, the excessive volume of red tape discourages some banks from offering certain products to their customers, and has grown so large over the last decade that the costs of compliance are totally out of balance with the intended benefits of the regulations; and

WHEREAS, the costs can be significantly reduced without compromising the effectiveness of the basic laws designed to assure bank safety and soundness; and

WHEREAS, less regulatory burden would create more credit for local consumers and businesses, and more reasonable fees and rates for customers; and

WHEREAS, less regulatory burden would create more profitable banks and ultimately a safer and sounder banking industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of this body respectfully urge the United States Congress to take all necessary and appropriate action to reduce the regulatory burden on banks.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to each member of the Alabama Congressional Delegation.

Approved March 16, 1993

Time: 9:32 A.M.

Act No. 93-90

S.J.R. 35 – Senator Sanders

SENATE JOINT RESOLUTION

COMMENDING JOHN HULETT ON HIS DISTINGUISHED LAW ENFORCEMENT CAREER.

WHEREAS, on the occasion of his retirement, the Alabama Legislature most highly commends John Hulett on his distinguished career as Sheriff of Lowndes County since 1970; and

WHEREAS, Sheriff Hulett, a native of Gordonsville, Alabama, was educated at Gordonsville Grammar School, graduated from Lowndes County Training School, now Central High School, and later studied at Harvard University, the University of Wisconsin, Sanford University and the University of Alabama; and

WHEREAS, John Hulett, who was the first Black registered voter in Lowndes County since reconstruction, was elected sheriff in 1970, and has since been reelected by wide margins of victory, each four years from 1974 to 1990; and

WHEREAS, Sheriff Hulett, a self-described ordinary person, has successfully fought for and brought about extraordinary change in Lowndes County, Alabama, and the nation, for more than two decades; and

WHEREAS, he was a founder and president of the Lowndes County Christian Movement for Human Rights; has been involved in activities of both the Southern Christian Leadership Conference and Alabama New South Coalition; and, in the late 1960s, requested and was granted an injunction in federal court in a case that was used as a precedent in a later case, resulting in a decision that declared Alabama's fee system for Justices of the Peace to be unconstitutional; and

WHEREAS, in addition, however, to his political and social activities, and the time-consuming demands of the Sheriff's Office, John Hulett is a dedicated family man, and has long been committed to community leadership through involvement with the American Cancer Society and Mount Carmel Missionary Baptist Church, among many other programs and affairs of civic concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to community, state and nation, and on the occasion of his retirement as one of our state's most prominent law enforcement officers, we hereby commend Sheriff John Hulett of Lowndes County, Alabama, to whom a copy of this resolution of highest praise shall be presented.

Approved March 16, 1993

Time: 9:33 A.M.

Act No. 93-91

S.J.R. 36 – Senators Bedsole, Dixon, Windom, Foshee, Floyd, Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Ellis, Figures, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens,

Parsons, Sanders, B. Smith,
J. Smith, Waggoner and Wilson

SENATE JOINT RESOLUTION

COMMENDING PRESIDENT GLENDA S. MCGAHA OF TROY STATE UNIVERSITY IN MONTGOMERY.

WHEREAS, it is with sincere pleasure, and with great pride in her accomplishments, that the Alabama Legislature congratulates the president of Troy State University in Montgomery, Dr. Glenda S. McGaha, who is the first woman ever to serve as president of a four-year college or university in the State of Alabama; and

WHEREAS, Dr. McGaha brings to this position an impressive professional background, including tenures as health specialist, Central Alabama Youth Services, Selma; clinical specialist in pediatrics, Saint Francis Hospital in Tulsa; level coordinator and assistant professor at the University of Tulsa, College of Nursing; and successive service as baccalaureate program coordinator, and as chairperson, Department of Nursing, Southeast Missouri State University; and

WHEREAS, returning to Alabama as an American Council on Education Fellow (1988-89), Dr. McGaha was assigned to the Office of the President, University of Alabama at Birmingham and, prior to her selection as president of Troy State University in Montgomery, served as Dean, School of Nursing, Troy State University System; and

WHEREAS, Dr. McGaha's educational credentials include a B.S. degree in nursing from the University of South Carolina, Master's degree in nursing (pediatrics and administration) from the University of Alabama in Birmingham, and her Ph.D. from Oklahoma State University; and

WHEREAS, eminently qualified, both academically and through vast experience as a teacher and administrator at the university level, Dr. McGaha has served in her new position since October 1992, and it is with sincere best wishes that we look to her for a long and prosperous era of outstanding leadership and continuous academic excellence at Troy State University in Montgomery; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional service and achievement, we hereby commend Dr. Glenda S. McGaha, whom we hold in highest regard and for whom a copy of this resolution shall be provided.

Approved March 16, 1993

Time: 9:34 A.M.

Act No. 93-92

S.J.R. 37 – Senators Bedsole, Windom,
Dixon and Hale

SENATE JOINT RESOLUTION

COMMENDING BISHOP WILLIAM MILTON SMITH OF
MOBILE, ALABAMA.

WHEREAS, it is with highest commendation that the Alabama Legislature notes the outstanding accomplishment and service of Bishop William Milton Smith of Mobile, Alabama; and

WHEREAS, a native of Stockton, Bishop Smith attended Lomax-Hannon Junior College, received his B.S. degree from Alabama State University, and pursued further studies at Tuskegee Institute, Hood Theological Seminary, and Perkins School of Theology at Southern Methodist University in Dallas; and

WHEREAS, Bishop Smith, after entering the ministry at an early age, joined the Southern Alabama Conference serving pastorates at St. Thomas in Perdido, Zion in Atmore, Zion Star and Zion Fountain in Brewton, Ebenezer Church in Montgomery, and at Big Zion in Mobile from which he was elected and consecrated Bishop in 1960; and

WHEREAS, during his early tenure in the episcopacy, Bishop Smith was assigned nine mission conferences, and over the course of his career until retiring in 1992, served as Senior Bishop, African Episcopal Zion Church (1978-1992); presiding Prelate of the First Episcopal Area; in a number of offices with the World Methodist Council, including president of the North American Section, and Presidium of the Council; and as a member and/or officer in many civic and community organizations at local, state and national levels; and

WHEREAS, additionally, his considerable ability and invaluable leadership qualities have been recognized through such distinctions as nomination as a White House Fellow by President Reagan; inclusions by "Ebony" magazine among the 100 most influential Blacks in the nation; selection to the Boards of Trustees of Alabama State University, Livingston University and Hood Seminary; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to the ministry and in areas of civic responsibility, we hereby most highly commend Bishop William Milton Smith of Mobile, Alabama, for whom a copy of this resolution of sincere tribute shall be provided.

Approved March 16, 1993

Time: 9:35 A.M.

Act No. 93-93

H. 88 – Reps. Butler, McMillan

AN ACT

Relating to veterans' nursing homes and veterans' homes, amending Sections 22-21-260 and 22-21-277, Code of Alabama 1975, to include certain veterans' nursing homes and veterans' homes within the definition of a health care facility requiring a certificate of need.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature finds that the need for future veterans' nursing homes and veterans' homes directly relates to the availability of nursing homes in compliance with the State Health Plan. The Legislature further desires to specify that the definition of health care facility as used in the certificate of need statute includes skilled or intermediate care units operated in veterans' nursing homes and veterans' homes, or any similar facilities. However, the construction of the two veterans' nursing homes or veterans' homes in Bay Minette, Alabama, and in Huntsville, Alabama, for which applications for federal funds under federal law are being considered by the U. S. Department of Veterans Affairs are specifically excluded from the certificate of need statute, and should not be subject to the certificate of need process.

Section 2. Sections 22-21-260 and 22-21-277, Code of Alabama 1975, are amended to read as follows:

“§22-21-260.

“As used in this article, the following words and terms, and the plurals thereof, shall have the meanings ascribed to them in this section, unless otherwise required by their respective context:

“(1) **ACQUISITION.** Obtaining the legal equitable title to a freehold or leasehold estate or otherwise obtaining the substantial benefit of such titles or estates, whether by purchase, lease, loan or suffrage, gift, devise, legacy, settlement of a trust or means whatever, and shall include any act of acquisition. The term ‘acquisition’ shall not mean or include any conveyance, or creation of any lien or security interest by mortgage, deed of trust, security agreement, or similar financing instrument, nor shall it mean or include any transfer of title or rights as a result of the foreclosure, or conveyance or transfer in lieu of the foreclosure, of any such mortgage, deed of trust, security agreement, or similar financing instrument, nor shall it mean or include any gift, devise, legacy, settlement of trust, or other transfer of the legal or equitable title of an interest specified herein above by a natural person to any member of such person’s immediate family. For the purposes of this section ‘immediate family’ shall mean the spouse of the

grantor or transferor and any other person related to the grantor or transferor to the fourth degree of kindred as such degrees are computed according to law.

“(2) **APPLICANT.** Any person, as defined in this section, who files an application for a certificate of need.

“(3) **CAPITAL EXPENDITURE.** An expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by the healthcare facility as its own contractor), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation and maintenance and which satisfies any of the following:

“a. Exceeds \$500,000.00 for major medical equipment; \$500,000.00 for new annual operating costs; \$1,500,000.00 for any other capital expenditure.

“b. Changes the bed capacity of the facility with respect to which such expenditure is made.

“c. Substantially changes the health services of the facility with respect to which such expenditure is made.

“(4) **CONSTRUCTION.** Actual commencement, with bona fide intention of completing the construction, or completion of the construction, erection, remodeling, relocation, excavation, or fabrication of any real property constituting a facility under this article, and the term ‘construct’ shall mean and include any act of construction. ‘Ground breaking ceremony,’ ‘receipt of bids,’ ‘receipt of quotation,’ or similar action that will permit unilateral termination without penalty shall not be considered ‘construction.’

“(5) **FIRM COMMITMENT OR OBLIGATION.** Any of the following:

“a. Any executed, enforceable, unconditional written agreement or contract not subject to unilateral cancellation for the acquisition or construction of a health care facility or purchase of equipment therefor.

“b. Actual construction of facilities peculiarly adapted to the furnishing of one or more particular services and with the bona fide intention of furnishing such service or services.

“c. Any executed, unconditional written agreement not subject to unilateral cancellation for the bona fide purpose of furnishing one or more services.

“(6) **HEALTH CARE FACILITY.** General and specialized hospitals, including tuberculosis, psychiatric, long-term care, and other types of hospitals, and related facilities such as, laboratories, out-patient clinics, and central service facilities operated in connection

with hospitals; skilled nursing facilities; intermediate care facilities; skilled or intermediate care units operated in veterans' nursing homes and veterans' homes, owned or operated by the State Department of Veterans' Affairs, as these terms are described in Chapter 5A (commencing with Section 31-5A-1) of Title 31, rehabilitation centers; public health centers; facilities for surgical treatment of patients not requiring hospitalization; kidney disease treatment centers, including free-standing hemodialysis units; community mental health centers and related facilities; alcohol and drug abuse facilities; facilities for the developmentally disabled; and home health agencies and health maintenance organizations. The term 'health care facility' shall not include the offices of private physicians or dentists, whether for individual or group practices and regardless of ownership, or Christian Science sanatoriums operated or listed and certified by the First Church of Christ, Scientist, Boston, Massachusetts, or a veterans' nursing home or veterans' home owned or operated by the state department of veterans' affairs, not to exceed 150 beds to be built in Bay Minette, Alabama, and a veterans' nursing home or veterans' home owned or operated by the State Department of Veterans' Affairs not to exceed 150 beds to be built in Huntsville, Alabama, for which applications for federal funds under federal law are being considered by the U. S. Department of Veterans Affairs prior to the effective date of the act amending this section.

"(7) **HEALTH SERVICE AREA.** A geographical area designated by the governor, as being appropriate for effective planning and development of health services.

"(8) **HEALTH SERVICES.** Clinically related (i.e., diagnostic, curative, or rehabilitative) services, including alcohol, drug abuse, and mental health services customarily furnished on either an in-patient or out-patient basis by health care facilities, but not including the lawful practice of any profession or vocation conducted independently of a health care facility and in accordance with applicable licensing laws of this state.

"(9) **INSTITUTIONAL HEALTH SERVICES.** Health services provided in or through health care facilities or health maintenance organizations, including the entities in or through which such services are provided.

"(10) **MODERNIZATION.** The alteration, repair, remodeling, replacement, and renovation of existing buildings, including initial equipment thereof, and the replacement of equipment of existing buildings.

"(11) **PERSON.** Any person, firm, partnership, association, joint venture, or corporation, the state of Alabama and its political subdivisions or parts thereof, and any agencies or instrumentalities

and any combination of persons herein specified, but 'person' shall not include the United States or any agency or instrumentality thereof, except in the case of voluntary submission to the regulations established by this article.

"(12) **RURAL HEALTH CARE PROVIDER/APPLICANT/HOSPITAL.** A provider or applicant or hospital which is designated by the United States Government Healthcare Financing Administration as rural.

"(13) **STATE HEALTH PLAN.** A comprehensive plan which is prepared triennially and reviewed at least annually and revised as necessary by the statewide health coordinating council, with the assistance of the state health planning and development agency, and approved by the governor.

"The state health plan shall provide for the development of health programs and resources to assure that quality health services will be available and accessible in a manner which assures continuity of care, at reasonable costs, for all residents of the state.

"(14) **STATE HEALTH PLANNING AND DEVELOPMENT AGENCY (SHPDA).** An agency of the state of Alabama which is designated by the governor as the sole state health planning and development agency, which shall consist of three consumers, three providers, and three representatives of the governor who all shall serve staggered terms and all be appointed by the governor. Where used in this article, the terms, 'state agency,' and the 'SHPDA,' shall be synonymous and may be used interchangeably.

"(15) **STATEWIDE HEALTH COORDINATING COUNCIL.** A council, appointed by the governor, established pursuant to the provisions of Title XV, section 1524, of the Public Health Service Act (42 USC 300m-3) and sections 22-4-7 and 22-4-8 to advise the state health planning and development agency on matters relating to health planning and resource development and to perform such other functions as may be delegated to it.

"(16) **TO OFFER.** When used in connection with health services, a health care facility or health maintenance organization that holds itself out as capable of providing, or as having the means for the provision of, specified health services.

"§22-21-277.

"The provisions of this article are cumulative and, insofar as possible, they shall be construed in *pari materia* with other laws relating to public health. Nevertheless, all laws or parts of laws, including, but not limited to any part of Chapter 5A (commencing with Section 31-5A-1) of Title 31, which conflict with this article are repealed."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 18, 1993

Time: 5:15 P.M.

Act No. 93-94

H.J.R. 199 – Rep. Hooper

HOUSE JOINT RESOLUTION

CONGRATULATING THE GUILFORD UNDER 10 SOCCER CHAMPIONS.

WHEREAS, the Legislature of Alabama, in highest commendation, extends heartiest congratulations to the Guilford Under 10 Soccer team, on the Under 10 Montgomery YMCA Soccer League Championship, November 21, 1992; and

WHEREAS, the Guilford team was coached by veteran Coach Robert Gould, who is noted for producing a number of championship soccer teams, and whose motivational methods resemble those of the late Coach Paul Bryant; and

WHEREAS, the U10 Guilford team played seven regular season games and two championship games, and in the 2nd championship game against Little Caesars, the score stood 1-1 at the final whistle; in the shoot-out, however, Guilford won 2-1, making the final score 3-2, and the Under 10 League Title belonged to Guilford; and

WHEREAS, the talented players on the Guilford Championship team were Alex Gould, Perry Hooper, III, Bobby Trott, Frank Aman, Drew Sullivan, Walker Fain, Burton Upchurch, Jake Farrior, Tom Schmaeling, Robert Gardner, Jonathan Walters, Jonathan Barganier, Scott Melton, Rush, Thompson, Branden Moore and John Bissell; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in highest commendation, we congratulate Guilford on the Under 10 Montgomery YMCA Soccer League Championship, and direct that copies of this resolution be prepared for presentation to Coach Gould and to each member of the team.

Approved March 18, 1993

Time: 5:16 P.M.

Act No. 93-95

H.J.R. 153 – Rep. Turner

HOUSE JOINT RESOLUTION

COMMENDING C. B. JOHNSON OF CITRONELLE, ALABAMA, FOR OUTSTANDING LEADERSHIP AND SERVICE.

WHEREAS, the Alabama Legislature joins the Citronelle community in expressing gratitude to a fellow citizen, C. B. Johnson, for outstanding leadership and service over the past 18 years; and

WHEREAS, Mr. Johnson recently retired, following a distinguished tenure of nearly two decades of municipal employment, including service as City Clerk for the City of Citronelle, and as Comptroller for South Alabama Utilities; and

WHEREAS, a former successful businessman in Mobile and Washington Counties, Mr. Johnson also has provided community leadership as an active and charter member of First Baptist Church for 45 years, and through subsequent involvement in activities of the Kiwanis Club, as well as on-going support and participation in numerous other areas of civic and community concern; and

WHEREAS, over the course of his 18-year tenure, as Citronelle City Clerk and Comptroller for South Alabama Utilities, C. B. Johnson indeed served long and well to the good and well-being of the City of Citronelle, and in the best interests of all citizens thereof; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of his retirement and in recognition of outstanding service, we hereby most highly commend C. B. Johnson of Citronelle, Alabama, and do further provide that he receive a copy of this resolution of sincere tribute, that he and his wife, Mrs. Alma D. Johnson, and sons, Alton B. and Willie R. Johnson, may know of this body's sincere warm praise and esteem.

Approved March 18, 1993

Time: 5:17 P.M.

Act No. 93-96H.J.R. 155 – Reps. Kennedy, Buskey,
Clark (W), Zoghby

HOUSE JOINT RESOLUTION

COMMEMORATING THE 50TH ANNIVERSARY OF TABERNACLE BAPTIST CHURCH OF MOBILE.

WHEREAS, January 1993 was proclaimed "Tabernacle Baptist Church Month" in honor and celebration of the 50th anniversary of its membership, organized in 1943 by the Reverend William T. Smith who spoke to a small band of Christians, challenging them with the words, "Shall we or shall we not"; and

WHEREAS, it was therefore under his guidance that the church was officially established in October 1945, and flourished under his leadership as founding pastor until his death on March 22, 1985; and

WHEREAS, Tabernacle Baptist Church, throughout its illustrious history, has reached out to support, motivate, inspire and encourage the Mobile community; in past years, it served as the site for the first mass meeting during the Civil Rights Movement in Mobile and, today, its membership continues to walk in Christian love under the dynamic leadership of Reverend Julius B. Thrower, the second documented pastor of Tabernacle Baptist Church, who is committed to the charge of serving the present age; and

WHEREAS, among those celebrating 50 years of Christian service are seven living founders of Tabernacle Baptist Church, Mrs. Mary Carter, Mrs. Helen Dees, Mrs. Volena Gardner, Mr. Booker T. Gulley, Mrs. Rebecca Johnson, Mrs. Josephine Jones and Mrs. Mary Sykes, who continue to faithfully serve their church with dedicated trust in the cause of Christ and to His glory; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join the Mobile community in celebrating the 50th anniversary of the organization of Tabernacle Baptist Church, an historic house of worship established to the glory of God and in commitment to Christ, our Lord.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Reverend Julius B. Thrower, pastor, for appropriate display at Tabernacle Baptist Church, Mobile, Alabama.

Approved March 18, 1993

Time: 5:18 P.M.

Act No. 93-97

H.J.R. 157 – Reps. Kvalheim, Harper

HOUSE JOINT RESOLUTION

COMMENDING JUDGE SAM C. POINTER, JR.

WHEREAS, U. S. District Judge Sam C. Pointer, Jr., appointed October 14, 1970, to the Northern District of Alabama, is a

Birmingham native and a distinguished jurist who has served as Chief Judge since January 1982; and

WHEREAS, since that date, Judge Pointer has continued to assume a full caseload, yet is ranked among the most current District Judges in the country in a district that is first in the nation in disposition of criminal cases, eighth lowest time between issue and trial of civil cases, and has pending less than 40 three-year-old cases; and

WHEREAS, Judge Pointer, who earned his A. B. degree from Vanderbilt University, is a member of Phi Beta Kappa and Phi Eta Sigma honoraries, and Alpha Psi chapter of Sigma Chi fraternity; he received his LL.B. degree from the University of Alabama Law School where he served on the Editorial Board of the Alabama Law Review and was a member of Farrah Order of Jurisprudence; and

WHEREAS, previously honored with a number of distinctions, Judge Pointer has most recently been selected as the recipient of The Significant Sig Award, the highest possible honor bestowed by Sigma Chi fraternity, to an alumnus, for outstanding achievement in one's field of endeavor, and this outstanding award is being presented to Judge Pointer on March 6, 1993, "Sigma Chi Day" in the State of Alabama, in recognition of the re-charter and establishment of Chi Chi chapter of Sigma Chi at Birmingham-Southern College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Judge Sam C. Pointer, Jr., on his distinguished career, and as the recipient of The Significant Sig Award by Sigma Chi fraternity; we further congratulate him most heartily, and direct that he be presented with a copy of this resolution of sincere praise and esteem.

Approved March 18, 1993

Time: 5:19 P.M.

Act No. 93-98

H.J.R. 158 – Reprs. Kvalheim, Drake, Harper

HOUSE JOINT RESOLUTION

DESIGNATING MARCH 6, 1993, AS SIGMA CHI DAY IN THE STATE OF ALABAMA.

WHEREAS, on March 6, 1993, Chi Chi chapter of Sigma Chi fraternity will be re-chartered and established at Birmingham-Southern College, following a selection process initiated by the school, in the Spring of 1989, to locate another fraternity on campus; and

WHEREAS, Sigma Chi fraternity was subsequently selected, and in the Fall of 1989, Chi Sigma Chi fraternity was created as a petitioning local fraternity of Sigma Chi; and

WHEREAS, Chi Chi chapter was originally instituted in December 1879 at Southern University in Greensboro, which later merged with Birmingham College to form Birmingham-Southern; Chi Chi, however, ceased to exist in 1882, and its re-charter at Birmingham-Southern is indeed a significant event in the history of Sigma Chi fraternity; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of the re-charter of Chi Chi chapter of Sigma Chi fraternity, we hereby name and designate March 6, 1993, as "Sigma Chi Day" in the State of Alabama, and do further direct that a copy of this resolution be prepared for presentation on that date to the charter members of Chi Chi chapter of Sigma Chi at Birmingham-Southern College.

Approved March 18, 1993

Time: 5:20 P.M.

Act No. 93-99

H.J.R. 159 – Rep. Butler

HOUSE JOINT RESOLUTION

COMMENDING CHERYL D. BANKSTON OF HUNTSVILLE, ALABAMA, FOR OUTSTANDING ACADEMIC ACHIEVEMENT.

WHEREAS, in consensus of highest commendation, the Legislature of Alabama recognizes Cheryl D. Bankston of Huntsville, Alabama, who was among 20 honor students, selected from over 1300 nominees from colleges and universities across the nation, named to the USA Today 1993 All-USA College Academic First Team; and

WHEREAS, Cheryl Bankston, a native of Huntsville and a member of the 1991 USA Today third team, is a senior electrical engineering major at the University of Alabama in Huntsville, where she has maintained an impressive 3.56 grade point average; and

WHEREAS, recipient of the 1991 National Space Club Wernher von Braun Scholarship, Cheryl is co-principal investigator for SEDSATI, a student project to design, build and fly a satellite which is to be launched on a Delta rocket later in 1993; and

WHEREAS, additionally, Cheryl has written and presented numerous technical papers on her research, which has been recognized by substantial contract grants and awards from both governmental agencies and private industry; and

WHEREAS, an honor student throughout her academic career, Miss Bankston is an active member of the UAH Student Government Association, and serves as an Alabama Girls' State staff member; she has also served on the Governor's Youth Ambassador Delegation Screening Committee (1988-90), as a White House intern in 1992 and People to People Youth Ambassador Program intern in 1990, and as Youth Ambassador for the State to the Soviet Union; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and as a member of the USA Today 1993 All-USA College Academic First Team, we hereby most highly commend Cheryl D. Bankston of Huntsville, Alabama, for whom a copy of this resolution of sincere tribute shall be provided.

Approved March 18, 1993

Time: 5:21 P.M.

Act No. 93-100

H.J.R. 160 – Reprs. McMillan, Penry

HOUSE JOINT RESOLUTION

COMMENDING LYN STUART OF BAY MINETTE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the Alabama Legislature, in consensus of commendation, notes the selection of Judge Lyn Stuart of Bay Minette as recipient of the Distinguished Service Award by the Bay Minette Chamber of Commerce; and

WHEREAS, a graduate of Auburn University and the University of Alabama School of Law, Lyn Stuart served as assistant attorney general for the state, as special attorney general for the State Department of Corrections and as assistant district attorney, prior to her election as district judge in 1988; and

WHEREAS, over the years, Judge Stuart has had a significant impact to the good and well-being of her community and its citizens and, in her position as district judge, as well as through community service and involvement, she has used each opportunity to work toward positive change for area children and youth; and

WHEREAS, Judge Stuart is an active and involved member of First United Methodist Church, Bay Minette Kiwanis Club, Heritage Junior Women's Club, and the Alabama Federation of Women's Clubs; and

WHEREAS, she also has served on the juvenile subcommittee to develop a model case management program for district courts; has represented Alabama at the National Symposium on Courts, Children and the Family; and has served on the faculty of the Alabama Judicial College for Conferences, among other notable accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service, and as recipient of the Distinguished Service Award, we hereby most highly commend Judge Lyn Stuart of Bay Minette, and direct that she receive a copy of this resolution of sincere esteem.

Approved March 18, 1993

Time: 5:22 P.M.

Act No. 93-101

H.J.R. 162 – Reps. Hooper, Johnson, Payne

HOUSE JOINT RESOLUTION

COMMENDING PHYLLIS SCHLAFLY OF ILLINOIS FOR EXTRAORDINARY VOLUNTEER SERVICE AND LEADERSHIP.

WHEREAS, Phyllis Schlafly of Illinois is one of our nation's most distinguished volunteer workers, whose accomplishments to the good of state and nation are worthy of public recognition; and

WHEREAS, Mrs. Schlafly, the mother of six children, received her J. D. from Washington University Law School and her Master's in Political Science from Harvard University; and

WHEREAS, in addition to her responsibilities as a home-maker, Mrs. Schlafly has established an enviable record of ongoing community service and, most particularly, through leadership and support of the pro-family and pro-life movements; and

WHEREAS, Mrs. Schlafly, in current leadership of these causes, serves as the national president of Eagle Forum and served as a member of the Commission on the Bicentennial of the U. S. Constitution from 1985-1991; and

WHEREAS, Mrs. Schlafly, who has been the most articulate and successful opponent of the feminist movement, is the author or editor of 13 books on family and feminism, nuclear strategy, education and childcare; as a syndicated columnist her articles appear in 100 newspapers, her radio commentaries reach 270 stations, and her educational show is heard on 45 stations; and

WHEREAS, Mrs. Schlafly has expertly testified before more than 50 Congressional and State legislative committees on constitutional, national defense, and family issues; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of extraordinary volunteer service, we hereby most highly commend Mrs. Phyllis Schlafly, whom we hold in warmest personal regard and to whom a copy of this resolution shall be presented.

Approved March 18, 1993

Time: 5:23 P.M.

Act No. 93-102

H.J.R. 163 – Rep. Cullins

HOUSE JOINT RESOLUTION

COMMENDING THE REVEREND LEON RAILEY OF ALEXANDER CITY, ALABAMA.

WHEREAS, the Legislature of Alabama, in highest tribute, notes the selection of the Reverend Leon Railey as the 1993 recipient of the Man of the Year award by the Alexander City Chamber of Commerce; and

WHEREAS, Reverend Railey is indeed a warm, gentle and compassionate man who has devoted his life to helping and caring for others; and

WHEREAS, since his return to Alexander City, after retiring from the ministry, Reverend Railey has played an active and vital role in both the religious and civic affairs of the community; he has not only served as associate pastor of First United Methodist Church, and in other aspects of church life, but continues to serve other churches when needed, and in such capacities as chaplain of the Civitan Club and on the advisory board of R.S.V.P.; and

WHEREAS, a native of Hollins, and a United States Army veteran who served with the 334th Infantry in the European Theatre

during World War II, Reverend Railey received his ministerial training at Huntingdon College and Emory University, and subsequently served the Equality Circuit followed by pastorates in Childersburg, Roanoke, Lake Highland, Hamilton and Aliceville; and

WHEREAS, the Reverend Railey's many contributions and accomplishments have been recognized previously through such accolades as Rural Minister of the Year for the denomination by Emory University and Progressive Farmer Magazine; Man of the Year in Childersburg, Roanoke and Aliceville; and as distinguished citizen in Hamilton; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service and as Alexander City's 1993 Man of the Year, we hereby most highly commend Reverend Leon Railey, for whom a copy of this resolution shall be provided.

Approved March 18, 1993

Time: 5:24 P.M.

Act No. 93-103

H.J.R. 175 – Reps. Freeman, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson,

Kennedy, Knight (A),
 Knight (J), Kvalheim,
 Laird, Layson, Letson,
 Lindsey, Mathis,
 McClain, McDaniel,
 McDowell, McKee,
 McMillan, Melton, Mikell,
 Millican, Morrow,
 Morton, Newton (C),
 Newton (D), Parker (P),
 Parker (T), Payne, Penry,
 Perdue, Petelos, Poole,
 Powell, Rich, Richardson,
 Rockhold, Rogers (F),
 Rogers (J), Sanderford,
 Sanderson, Smith (C),
 Smith (R), Spratt,
 Starkey, Thomas, Turner,
 Turnham, Venable,
 Walker, Warren, White,
 Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. RANDY LEE COX OF MONTGOMERY, ALABAMA, ON THE BIRTH OF THEIR SON, MATTHEW REEVES COX, ON MARCH 2, 1993.

WHEREAS, the Legislature of Alabama is exceedingly pleased to record the birth of Matthew Reeves Cox, March 2, 1993, in Montgomery, Alabama, and to congratulate his parents, Randy Lee and Mary Cynthia (Cindy) Perdue Cox, on this happy occasion; and

WHEREAS, the pride and joy of Randy and Cindy Cox, little Matthew Reeves arrived at 4:07 p.m., weighing seven pounds nine ounces and measuring 21 inches in length; and

WHEREAS, Matthew Reeves Cox, the grandson of Mary Faye and Howard Perdue, and of Rosalie and the late John Cox, is indeed a handsome young fellow with his parents' blue eyes; and his mother's charm; and

WHEREAS, the birth of a child is truly a "blessed event" and we join with Matthew Reeves' parents and his extended family in celebrating his arrival; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby extend heartiest congratulations to Cindy and Randy Cox of

Montgomery, Alabama, on the birth of their son, Matthew Reeves Cox on March 2, 1993.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. and Mrs. Cox, and also for little Matthew Reeves that he may later know of the joy we shared with his parents on the occasion of his birth.

Approved March 18, 1993

Time: 5:25 P.M.

Act No. 93-104

H.J.R. 176 – Reps. Butler, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker,

Warren, White, Williams,
Willis, Zoghby

HOUSE JOINT RESOLUTION

CONGRATULATING THE SPARKMAN HIGH SCHOOL LADY SENATORS ON THEIR NATIONAL CHEERLEADING CHAMPIONSHIP.

WHEREAS, with great personal pride in their accomplishment, the Legislature of Alabama most heartily congratulates the Lady Senators from Sparkman High School, Toney, Alabama, on winning the National High School Cheerleading Championship, All-Girl squad category, in competition with over 100 teams, from throughout the country; and

WHEREAS, the Madison County Sparkman High cheerleaders, ranked among the favorites going into the tournament, advanced through the preliminaries on Saturday to the top-20 finals which were held the next day; the Lady Senators, who had finished near the top for the past several years, performed flawlessly to claim the National Title in All-Girl squad competition; and

WHEREAS, superbly coached by their sponsor, Madonna Holladay, Sparkman High School National Champions are Brandi Alverson, Lara Bailey, Laura Bentley, Tina Demsey, Christa Edwards, Candice Foster, Jennifer Hilliard, Anna Keel, Amy Martin, Ginger Matthews, Stacey Parcus, Shannon Pike, Rhi Samples, Shana Shareck, Donna Swaim, Jennifer Vaughn and Nichol Watson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and their prominence as National Cheerleading Champions, we hereby commend and congratulate the Sparkman High School Cheerleaders and their sponsor, Madonna Holladay, and do further direct that copies of this resolution be provided to Principal Ray Swaim for appropriate presentation and display.

Approved March 18, 1993

Time: 5:26 P.M.

Act No. 93-105

H.J.R. 178 – Rep. Carns

HOUSE JOINT RESOLUTION

COMMEMORATING THE LIFE AND SERVICE OF THE LATE CECIL MONROE TUCKER.

WHEREAS, Cecil Tucker truly epitomized the meaning and success of our free enterprise system; and

WHEREAS, led by far-sighted goals and ambitions and employing hard work, ingenuity and determination, Cecil Tucker impacted greatly on the business and civic community of Central Alabama; and

WHEREAS, among many notable accomplishments, he played a vital leadership role in the effort to revitalize downtown Montgomery, and in his ongoing support to the sporting efforts of Central Alabama's youth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life and service of Cecil Monroe Tucker, and direct that a copy of this resolution be provided for his family that they may know of our shared sorrow in their great and grievous loss.

Approved March 18, 1993

Time: 5:27 P.M.

Act No. 93-106

H.J.R. 179 – Rep. Holley

HOUSE JOINT RESOLUTION

COMMENDING LUTHER MARTIN MOATES OF ENTERPRISE, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS AND ACHIEVEMENT.

WHEREAS, it is with highest commendation that the Alabama Legislature notes the induction of Luther Martin Moates into the Alabama Agriculture Hall of Honor on February 23, 1993; and

WHEREAS, Luther Moates, a native of Enterprise and a veteran of World War II, has been a widely-known and highly respected name in the Wiregrass farming community of our state for over 48 years; and

WHEREAS, beginning his career in agriculture with the purchase of 200 acres in 1955, Mr. Moates increased the size of his farm to some 700 acres in the early eighties and now manages, along with his sons and colleagues, an 1,800-acre diversified operation; and

WHEREAS, over the years, Mr. Moates has also provided invaluable leadership and support to the agricultural community of

our state as an active member of the Alabama Farmers Federation and the Southeastern Peanut Growers Association; through service on the State Dairy Committee and the Farm Crisis Committee; and, for many years, as a member of former U. S. Congressman Bill Dickinson's District Agricultural Committee; and

WHEREAS, equally significant, and perhaps his greatest legacy, have been his efforts to protect and preserve the land and its natural resources through his work with the Coffee County Conservation District, as chairman of the Southeast Alabama Targeted Erosion Area, and twice as president of the State Soil Conservation Association, among other responsible leadership positions; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions to agriculture in our state, and upon his induction into the Alabama Agriculture Hall of Honor, we hereby most highly commend Luther Martin Moates of Enterprise, for whom a copy of this resolution shall be provided.

Approved March 18, 1993

Time: 5:28 P.M.

Act No. 93-107

H.J.R. 180 – Rep. Hill

HOUSE JOINT RESOLUTION

COMMEMORATING THE LIFE AND SERVICE OF THE LATE WILLIE J. AKRIDGE OF CALERA, ALABAMA (1929-1992).

WHEREAS, Willie Akridge was a quiet, modest and unassuming man who, as a longtime educator, impacted greatly upon countless youth whose lives he touched in genuine care and concern; and

WHEREAS, a United States Army Veteran, Willie Akridge received a B.S. degree from Livingston University, and his M.S. and Ed.S. degrees in counseling and guidance/administration from the University of Alabama; and

WHEREAS, throughout his long and distinguished career as a teacher, administrator and counselor, Mr. Akridge taught at Greene County High School and Perdido Junior High School; served as principal at Calera High School; and, before his

lamentable death, served as a counselor at Shelby County Area Vocational School; and

WHEREAS, Mr. Akridge was active also in many professional, civic and community affairs as a member of Calera Baptist Church, Chilton-Shelby Mental Health Center Board of Directors, the Calera Library Board, and as a member of the Shelby County Teachers, Principals and Counselors Associations, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life and service of Willie J. Akridge of Calera, Alabama, and direct that a copy of this resolution be provided for his family that they may know of our shared sorrow in their great and grievous loss.

Approved March 18, 1993

Time: 5:29 P.M.

Act No. 93-108

H.J.R. 185 – Rep. Millican

HOUSE JOINT RESOLUTION

RECOGNIZING BARBECUE CHEF TODD PAGE OF HAMILTON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Todd Page of Hamilton, Alabama, as an associate of world renowned barbecue chef, Carl Shewbart, is part of a two-man team that has received numerous recognitions and awards at state, national and international levels over the past three years; and

WHEREAS, included among these outstanding awards is the 1992 Peoples Choice World Barbecue Championship, which was won after their barbecue was judged as the world's best over that prepared by more than five thousand people competing at the World Barbe-Q-Lossal in Des Moines, Iowa; and

WHEREAS, also in 1992, the National Pork Producers crowned the Chef Shewbart/Todd Page team as World Champion Boston Butt/Pork Shoulder Barbecuer at the World Barbe-Q-Lossal, and their many other distinctions have brought great fame and honor to the State of Alabama, as the home of the World's Barbecue Champion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition

of outstanding achievement, we hereby most heartily congratulate and commend Todd Page of Hamilton, Alabama, whom we hold in sincere regard and for whom a copy of this resolution of highest praise and honor shall be provided.

Approved March 18, 1993

Time: 5:30 P.M.

Act No. 93-109

H.J.R. 192 – Reps. Drake, Morrow,
Butler, Grayson

HOUSE JOINT RESOLUTION

EXTENDING THE TIME THAT THE JOINT INTERIM LEGISLATIVE COMMITTEE ON THE FEASIBILITY STUDY ON ESTABLISHING TOLL ROADS FROM HUNTSVILLE TO GULF SHORES, ALABAMA, SHALL REPORT TO THE LEGISLATURE AND EXTENDING THE LIFE OF THE COMMITTEE.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Joint Committee on the Feasibility Study on Establishing Toll Roads from Huntsville to Gulf Shores, established pursuant to Act No. 92-107, H.J.R. 151, 1992 Regular Session, shall report its findings, conclusion, and recommendations to the Legislature on or before the thirtieth legislative day of the 1994 Regular Session at which time the committee shall stand dissolved and discharged of any further duties and liabilities.

Approved March 18, 1993

Time: 5:31 P.M.

Act No. 93-110

H.J.R. 6 – Reps. Morrow, Millican, Harper,
McMillan, Powell

HOUSE JOINT RESOLUTION

RECOGNIZING LOONEY'S TAVERN ENTERTAINMENT COMPLEX, AND DESIGNATING "THE INCIDENT AT LOONEY'S TAVERN" AS ALABAMA'S OFFICIAL OUTDOOR MUSICAL DRAMA.

WHEREAS, the Board of Directors of Looney's Tavern Productions has created a major tourist attraction in Winston County, Alabama; and

WHEREAS, the Looney's Tavern entertainment complex offers employment to scores of North Alabama's college students and others in the North Alabama region; and

WHEREAS, "The Incident at Looney's Tavern," an historically factual musical drama staged in an impressive 1500-seat outdoor amphitheatre, showcases the proud heritage and rich history of Winston County and the North Alabama hill country, and causes this history to be a source of pride for the people of the region; and

WHEREAS, "The Incident at Looney's Tavern" also showcases the talents of the residents of North Alabama and offers live performing theatre to the residents of North Alabama; and

WHEREAS, "The Incident at Looney's Tavern" has been duly honored and distinguished by the American Bus Association as one of the "Top Hundred Events" in North America; and

WHEREAS, "The Incident at Looney's Tavern" has been duly honored and distinguished by the Southeastern Tourism Society as one of the "Top Twenty Events" in the Southeast; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize and highly commend the Board of Directors of Looney's Tavern Productions, Inc., for their outstanding leadership and dedication in the establishment of this outstanding entertainment complex, and do further hereby designate "The Incident at Looney's Tavern" as Alabama's Official Outdoor Musical Drama.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate presentation and display at the Looney's Tavern entertainment complex in Winston County, Alabama.

Approved March 18, 1993

Time: 5:32 P.M.

Act No. 93-111

H.J.R. 20 – Rep. Rogers (J)

HOUSE JOINT RESOLUTION

ESTABLISHING THE YOUTH GANG VIOLENCE COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Continuing Youth Gang Violence Commission for the purpose of addressing the existing problems and potential problems

of youth gangs in and around the state. The commission shall be composed of nine members as follows: the Attorney General, the Speaker of the House, and the Lieutenant Governor shall each appoint one member of the commission; in addition, the District Attorneys of Jefferson County, Madison County, Mobile County, and Montgomery County, the Police Chief of the City of Birmingham, and the Sheriff of Jefferson County, or their designees, shall be members of the commission. The chair of the commission shall be a member of the House of Representatives of the State of Alabama.

BE IT FURTHER RESOLVED, That the duty and function of the commission shall include, but not be limited to, reviewing state and federal laws relating to youth gang violence; proposing state legislation regarding gang violence issues for consideration by the Governor and the Legislature; proposing and implementing educational and prevention programs on gang violence; and supervising all state level initiatives and efforts to eliminate and further prevent youth gang violence. The commission shall seek information and advice from the representatives of agencies and organizations that provide services to youths.

RESOLVED FURTHER, That the commission shall meet at the time and place designated by the chair, who shall be responsible for its administrative and operational functioning and who is empowered to take all actions necessary to keep it functioning efficiently and effectively and shall have, in this regard, all rights and privileges accorded commissions under Alabama regulations and laws. All major programs and initiatives of the commission must be approved by a majority of the membership in actual attendance at the meeting in which such programs and initiatives are decided. The total expenses of the commission shall not exceed five thousand dollars (\$5,000). The Secretary of the Senate and the Clerk of the House shall provide the commission with clerical assistance upon the request of the chair.

FURTHER RESOLVED, That the commission shall submit a report of its findings and recommendations by the fifteenth legislative day of the 1994 Regular Session, and shall be dissolved.

Approved March 18, 1993

Time: 5:33 P.M.

HOUSE JOINT RESOLUTION

COMMENDING SENATOR HOWELL HEFLIN FOR HIS EFFORTS TO REDUCE THE FEDERAL DEFICIT.

WHEREAS, the federal deficit continues to plague our great country by increasing in size on a daily basis; and

WHEREAS, on January 28, 1993, Senator Howell Heflin introduced legislation proposing a constitutional amendment to balance the federal budget which is designed to restore fiscal responsibility to the federal budget; and

WHEREAS, this initial step taken by Senator Heflin to reduce the ever-mounting deficit is strongly supported by the citizens of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily commend Senator Howell Heflin on his recent effort to reduce the federal deficit by proposing a constitutional amendment to balance the federal budget and request that a copy of this resolution be forwarded to Senator Heflin as a mere token of our deep appreciation.

Approved March 18, 1993

Time: 5:34 P.M.

Act No. 93-113

H.J.R. 84 – Reps. Rockhold, Harper

HOUSE JOINT RESOLUTION

COMMENDING WILLIAM H. DUNN, COMMANDING OFFICER, NAVAL STATION MOBILE.

WHEREAS, Commander William H. Dunn, Commanding Officer of Naval Station Mobile since April 1992, is a native of Washington, D. C.; he enlisted in the U. S. Navy in May 1968 after attending the University of Maryland for two years and, in June 1973, was commissioned as an Ensign, having earned the B.S. degree from the University of Washington through the NESEP program; and

WHEREAS, Commander Dunn, whose decorations include the Defense Meritorious Medal, Meritorious Service Medal, Navy Commendation Medal with Gold Star, and the Navy Achievement Medal, among others, is a graduate of the Surface Warfare Department Head, Executive Officer and Commanding Officer courses and the Shore Command Course; and

WHEREAS, he also is a graduate of the Armed Forces Staff College, a designated Joint Specialty Officer, a proven subspecialist in Anti-Submarine Warfare and Education and Training

Management, and is the recipient of a Master of Science degree from Old Dominion University; and

WHEREAS, in shore assignments, Commander Dunn served as an Assistant Professor of Naval Science at Marquette University, with additional duty as NESEP advisor; he further was assigned to the Canadian Navy Fleet School in Halifax, Nova Scotia, as an instructor in tactics, and completed a two-year tour as a Crisis Action and Current Operations Officer at the United States Atlantic Command in Norfolk, Virginia; and

WHEREAS, on sea duty, he has served tours in the USS Wiltsie, USS Arthur W. Radford, USS Aquila, USS Ainsworth, and command of USS Flatley, one of the four vessels home ported at Naval Station Mobile; and

WHEREAS, Commander Dunn has indeed enjoyed and continues to enjoy a distinguished military career, and it is with pleasure that we welcome him to Alabama as the first commander of Naval Station Mobile, a strategic link in our nation's chain of defense; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Commander William H. Dunn, USN, and direct that he receive a copy of this resolution of sincere warm praise and highest personal regard.

Approved March 18, 1993

Time: 5:35 P.M.

Act No. 93-114

H.J.R. 85 – Reps. Rockhold, Harper

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. CLAUDE BRANUM ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, it is with great pleasure that the Legislature of Alabama extends heartiest congratulations to Mr. and Mrs. Claude Branum of Mobile, Alabama, on their Golden Wedding Anniversary, April 16, 1993; and

WHEREAS, Claude and Gladys Branum were married in Excel, Alabama, on April 16, 1943, and over the past 50 years their commitment to the ideals of marriage has enriched their

lives, and has inspired all those who have witnessed their devotion; and

WHEREAS, Mr. and Mrs. Branum are the parents of three children, Ronnie of Mobile, and Wayne Branum and Angela Patton, both of whom are deceased; they also are the loving grandparents of Carolyn, Courtney and Monica, all of Mobile; and

WHEREAS, Claude and Gladys Branum have indeed set an outstanding example of a lasting marital partnership, in which both partners are greatly admired and respected within the community and by their family and many friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join in the joyful celebration, April 18, 1993, of the 50th Wedding Anniversary of Mr. and Mrs. Claude Branum of Mobile, Alabama, for whom a copy of this resolution shall be provided, with warm best wishes for many more years of good health and happiness in their life together.

Approved March 18, 1993

Time: 5:36 P.M.

Act No. 93-115

H.J.R. 152 – Rep. White

HOUSE JOINT RESOLUTION

REQUESTING THE FBI TO REOPEN THE INVESTIGATION OF THE 1972 ASSASSINATION ATTEMPT ON THEN ALABAMA GOVERNOR GEORGE C. WALLACE.

WHEREAS, then Alabama Governor George C. Wallace was the leading Democratic candidate for President in 1972 when he was injured and paralyzed by a would-be assassin; and

WHEREAS, there has always been speculation by many, including those in law enforcement, that his assailant was not acting alone; and

WHEREAS, partial White House tapes recently revealed have raised new questions concerning this tragic event in American presidential politics; and

WHEREAS, the prosecutor of Arthur Bremer, the assailant of then Governor Wallace, indicated in May 1992, that in his professional judgment, there was more of a conspiracy in the assassination

attempt on then Governor Wallace than in the actual assassination of President John F. Kennedy; and

WHEREAS, the assailant of the then Alabama Governor George C. Wallace was a 21-year-old man with no visible means of support, he travelled by plane, limousine, and helicopter, and also stayed in some of the finest hotels in this country, raises serious questions about how he could afford those luxuries for the months he stalked then Governor Wallace; and

WHEREAS, some of Alabama's most influential daily newspapers have within the last few weeks called for a reopening of the FBI investigation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request the FBI to officially reopen the investigation of the assassination attempt on former Alabama Governor George C. Wallace.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the Director of the FBI so that he may know of our deep commitment in making certain justice is served.

Approved March 18, 1993

Time: 5:37 P.M.

Act No. 93-116

H.J.R. 161 – Reps. Knight (A), Hill, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Escott-Russell, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (J), Kvalheim, Laird, Layson,

Letson, Lindsey, Mathis,
 McClain, McDaniel, McDowell,
 McKee, McMillan, Melton,
 Mikell, Millican, Morrow,
 Morton, Newton (C), Newton (D),
 Parker (P), Parker (T), Payne,
 Penry, Perdue, Petelos, Poole,
 Powell, Rich, Richardson,
 Rockhold, Rogers (F), Rogers (J),
 Sanderford, Sanderson,
 Smith (C), Smith (R), Spratt,
 Starkey, Thomas, Turner,
 Turnham, Venable, Walker,
 Warren, White, Williams, Willis,
 Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF BILL ERNEST OF MONTEVALLO, ALABAMA.

WHEREAS, in a sense of deep sorrow and regret, the Legislature of Alabama records the death of Dr. Bill Ernest on February 6, 1993; and

WHEREAS, Dr. Ernest, a former secondary school teacher in Auburn and Birmingham, was serving at the time of his lamentable death, as Dean of the College of Education and Dean of Graduate Studies at the University of Montevallo, where he joined the faculty in 1974 as Assistant Professor and subsequently served as Associate Professor, Departmental Chairperson, and Dean in the College of Education; and

WHEREAS, widely regarded throughout the State of Alabama as an innovative educational administrator, Dr. Ernest was also recognized as the father of Alabama's first ever written Teacher Warranty Program, whereby the University of Montevallo provides a written warranty guaranteeing the quality of its teacher education graduates; and

WHEREAS, Dr. Ernest, just shortly before his death, was recognized as one of the Southeastern area's top three deans of education, and his efforts with the teacher warranty program were recently highlighted in the national journal, the "Chronicle of Higher Education"; and

WHEREAS, Dr. Ernest also served in a number of important institutional capacities on campus as Chair of the Committee on the Future of the Institution, as Chair of the Mission and Goals Commission, and in other important ways; and

WHEREAS, Dr. Ernest was actively involved in professional leadership in Alabama, including service as President of the Alabama Association of Colleges of Teacher Education and in many other capacities; and

WHEREAS, the death of Dr. Bill Ernest has indeed left an unfathomable void in education leadership in the State of Alabama and throughout the educational, business and civic communities of our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Dr. Bill Ernest, whose loss we share with his wife, Pat, two sons, and a caring group of family and friends, for whom a copy of this resolution shall be provided, with a copy also prepared for presentation to the University of Montevallo.

Approved March 18, 1993

Time: 5:38 P.M.

Act No. 93-117

H.J.R. 165 – Rep. Rogers (J)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF CHRIS JONES OF BIRMINGHAM, ALABAMA.

WHEREAS, it is with deep and abiding sorrow that the Alabama House of Representatives records the tragic and untimely death of Chris Jones of Birmingham, Alabama, on January 1, 1993, at the age of just nineteen years; and

WHEREAS, Chris Jones was killed instantly by a bullet fired irresponsibly, and from a gun that should have been safeguarded against indiscriminate use; and

WHEREAS, although the tragic death of Chris Jones, a fine young Christian man, has devastated his family and friends, their fervent prayer is that his death be not in vain, but instead give rise to public awareness of the seriousness of the insensible use of guns, and widespread disregard for human life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That even as we mourn his death, we give thanks for the loving life, June 1973 - January 1993, of Chris Jones of Birmingham, Alabama.

BE IT FURTHER RESOLVED, that we herein extend deepest sympathy to his loving parents, Curtis and Wilma Cooper; father, Lonnie Jones; his brother, Lonnie Jones; sisters, Regina Williams, and Whitney and Virginia Cooper; grandmothers, Lilly Jones and Tommie Garrett; and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

Approved March 18, 1993

Time: 5:39 P.M.

Act No. 93-118

H.J.R. 166 – Rep. Goodwin

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF BILLY HUGH BOWLING OF MUSCLE SHOALS, ALABAMA.

WHEREAS, recorded with deep sorrow and regret by the Alabama House of Representatives is the untimely death of Billy Hugh Bowling of Muscle Shoals, Alabama, on October 14, 1992, at the age of just 51 years; and

WHEREAS, a prominent banker and civic leader in the Shoals area, Mr. Bowling was serving as president and chief executive officer of First Metro Bank at the time of his lamentable death; and

WHEREAS, Mr. Bowling, a native of Franklin County and a graduate of the Louisiana State University School of Banking, began his career in the late 1960's with First Colbert National Bank; he later was associated with Muscle Shoals National Bank, then Colonial Bank, prior to moving to Muscle Shoals in 1988 as president of First Metro; and

WHEREAS, in addition to his professional responsibilities and activities, Mr. Bowling was a dedicated community leader whose involvements included service as Muscle Shoals' representative on the board of directors of Shoals Industrial Development Authority, and previous service on the board of directors of the former Greater Shoals Area Chamber of Commerce, as well as the foundation and athletic advisory boards of Shoals Community College; and

WHEREAS, the death of Billy Hugh Bowling has indeed left an unfathomable void in the life of the community, and in the hearts of his family, many friends, and his peers and associates throughout the banking community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Billy Hugh Bowling of Muscle Shoals, Alabama, and express deepest sympathy to his wife and son, Glenda Dykes Bowling and Patrick Flanagan; mother, Mildred Bowling; father, Floyd Byrd Bowling; and other family members, for whom copies of this memorial resolution shall be provided.

Approved March 18, 1993

Time: 5:40 P.M.

Act No. 93-119

H.J.R. 167 – Reps. Ford, Bugg, Smith (R)

HOUSE JOINT RESOLUTION

NAMING THE GADSDEN STATE COMMUNITY COLLEGE FISHERY SCIENCE DIAGNOSTIC LABORATORY THE “DONALD R. SMITH FISHERY SCIENCE DIAGNOSTIC LABORATORY.”

WHEREAS, in recognition of the many successes and contributions of Mr. Donald R. Smith to Gadsden State Community College and the college community, it is altogether fitting and proper that the Fishery Science Diagnostic Laboratory on the Gadsden State Community Campus be named in honor of this fine gentleman; and

WHEREAS, Mr. Smith was appointed head of broadcasting of the college where he designed and taught a comprehensive broadcast curriculum, developed a student recruitment program, and was instrumental in the placement of graduates in stations throughout the southeast; and

WHEREAS, in 1974, he was appointed coordinator of communications where he designed and equipped a radio and television center, started and managed a public radio station; employed and supervised a professional broadcast staff, and produced community and institutional radio and television programs; and

WHEREAS, after eight years, Mr. Smith established and managed the college public relations department which included publications, community and institutional relations and a private financial foundation; and

WHEREAS, as Administrative Assistant to United States Congressman Tom Bevill, Mr. Smith headed the fifteen member congressional staff delegation to the Republic of China to discuss trade, educational, and cultural issues; headed the effort to establish the nationally acclaimed Bevill Center for Automated

Manufacturing Technology in Northeast Alabama; created and developed the Gadsden Job Corps Center; he played a pivotal role in designing Alabama's Congressional Redistricting plan; and is presently developing legislation for the Little River Canyon National Preserve; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby most highly commend Mr. Donald R. Smith for outstanding administrative accomplishments and to honor him, we direct the Gadsden State Community College Fishery Science Diagnostic Laboratory be named the "Donald R. Smith Fishery Science Diagnostic Laboratory" in gratitude for his invaluable contributions and dedicated service to Gadsden State Community College.

BE IT FURTHER RESOLVED, That the proper officials are authorized to erect and maintain appropriate signs and markers designating the "Donald R. Smith Fishery Science Diagnostic Laboratory" and it is further provided that a copy of this resolution be presented to Mr. Smith as a memento of this honorary designation of the Alabama Legislature.

Approved March 18, 1993

Time: 5:41 P.M.

Act No. 93-120

H.J.R. 169 – Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, February 25, 1993, they adjourn to meet again on Tuesday, March 2, 1993.

Approved March 18, 1993

Time: 5:42 P.M.

Act No. 93-121

H.J.R. 183 – Reps. McClain, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter,

Clark (J), Clark (W), Clay, Collins,
 Cosby, Crow, Cullins, Curry,
 Dolbare, Drake, Escott-Russell,
 Flowers, Ford, Freeman, Fuller,
 Gaines, Gaston, Goodwin,
 Grayson, Gullatt, Hall, Hamilton,
 Hammett, Haney, Harper, Harvey,
 Hawkins, Haynes, Higginbotham,
 Hill, Hogan, Holladay, Holley,
 Holmes, Hooper, Johnson,
 Kennedy, Knight (A), Knight (J),
 Kvalheim, Laird, Layson, Letson,
 Lindsey, Mathis, McDaniel,
 McDowell, McKee, McMillan,
 Melton, Mikell, Millican, Morrow,
 Morton, Newton (C), Newton (D),
 Parker (P), Parker (T), Payne,
 Penry, Perdue, Petelos, Poole,
 Powell, Rich, Richardson,
 Rockhold, Rogers (F), Rogers (J),
 Sanderford, Sanderson, Smith (C),
 Smith (R), Spratt, Starkey,
 Thomas, Turner, Turnham,
 Venable, Walker, Warren, White,
 Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF ROBERT PETERSON, JR., OF BIRMINGHAM, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the untimely death of Robert Peterson, Jr., of Birmingham, Alabama, on January 21, 1993, at the age of just 52 years; and

WHEREAS, a native of Conecuh County and a longtime resident of Birmingham, Mr. Peterson was a United States Army veteran and, at the time of his lamentable death, had been employed with Golden Flake Snack Food Industry for 25 years; and

WHEREAS, a prominent and beloved member of the community, Mr. Peterson was an avid sportsman, a supporter of numerous civic concerns, and was a dedicated member of the Church of the Living God, C.W.F.F.; and

WHEREAS, the death of Robert Peterson, Jr., has indeed left an unfathomable void in the life of the community, and in the hearts of his beloved family, many friends, and all those whose lives he touched in genuine care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Robert Peterson, Jr., and extend deepest sympathy to his wife, Mrs. Mary Peterson; to his son and daughter, Rodriqueze Peterson and Jennifer McClure; three grandchildren; four brothers and six sisters; and to other family members, for whom a copy of this resolution of sincere condolence shall be provided.

Approved March 18, 1993

Time: 5:43 P.M.

Act No. 93-122

H.J.R. 186 – Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, March 4, 1993, they adjourn to meet again on Tuesday, March 9, 1993.

Approved March 18, 1993

Time: 5:44 P.M.

Act No. 93-123

H.J.R. 193 – Rep. Haynes

HOUSE JOINT RESOLUTION

OFFICIALLY DESIGNATING KATHERINE SMYTHE OF MEMPHIS, TENNESSEE, AS “MISS KATHERINE” IN THE STATE OF ALABAMA.

WHEREAS, Katherine Powell Hinds Smythe of Memphis, Tennessee, immediate past president of the Southern Cemetery Association graced our state with a visit in July 1992 to attend the association’s 59th Annual Family Reunion, Convention and Trade Show held in Point Clear; and

WHEREAS, during a scheduled convention event, reference was made to Mrs. Smythe as “Miss Katherine,” in keeping with the widely accepted practice in Alabama of using the title “Miss,” or “Mr.,” with an individual’s given name to denote respect, affection and friendship, all of which our “Miss Katherine” from Memphis is justly due; and

WHEREAS, we do indeed greatly admire and appreciate the many professional accomplishments of this warm and gracious lady from Tennessee, and we value her highly as a good and true friend; and

WHEREAS, at the same time, however, we must confess that, in Alabama, we have a fondness for using short and descriptive colloquialisms—and, who among us would not admit that Katherine Powell Hinds Smythe is quite a mouthful, while “Miss Katherine” says it best; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Katherine H. Smythe, whom we herein officially designate as “Miss Katherine,” and by which name she shall henceforth and forever be known in the State of Alabama.

BE IT FURTHER RESOLVED, That “Miss Katherine” be provided with a copy of this resolution, in token of our friendship and esteem, and as a memento of this honorary designation by the Legislature of Alabama.

Approved March 18, 1993

Time: 5:45 P.M.

Act No. 93-124

H.J.R. 194 – Rep. Parker (T)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF EHNEY A. CAMP, JR., OF BIRMINGHAM, ALABAMA.

WHEREAS, herein grievously recorded by the Legislature of Alabama is the death of Ehney A. Camp, Jr., of Birmingham, Alabama, on January 20, 1993; and

WHEREAS, a native of Maylene, Alabama, and a longtime resident of Birmingham, Mr. Camp was a 1928 summa cum laude graduate of the University of Alabama where he was the recipient of the Algernon Sydney Sullivan Award, Outstanding Student in the School of Commerce and Business Administration, and a member of Phi Beta Kappa, Omicron Delta Kappa, Beta Gamma Sigma, Alpha Kappa Psi and Jason honoraries, and Sigma Nu fraternity; and

WHEREAS, in a continuation of achievement and outstanding leadership ability, Mr. Camp enjoyed a highly successful career with Liberty National Life Insurance Company, retiring in 1973 as executive vice president of the company, and as a primary force in the firm's phenomenal growth into a multimillion-dollar industry giant; and

WHEREAS, Mr. Camp also was one of our state's most prominent civic and community leaders whose contributions and support to such organizations as the First United Methodist Church of Birmingham, Birmingham Kiwanis Club, the Anti-Tuberculosis Association of Jefferson County, the Jefferson County Community Chest Campaign, and Birmingham Chamber of Commerce, among countless others, resulted in his inclusion in "Who's Who in America" and the Alabama Academy of Honor, and in his selection as the recipient of numerous distinctions; and

WHEREAS, Mr. Camp, in service and commitment to his alma mater, remained active as an alumnus, serving as president of the National Alumni Association of the University of Alabama and as a member of the Alumni Council; he further served faithfully on the University's Board of Trustees, and on the Board of the University of Alabama in Birmingham Medical and Educational Foundation; and

WHEREAS, a loyal member of Theta Chapter of Sigma Nu, Ehney Camp served as advisor to the chapter, and as a member and director of the Theta House Corporation; he was a member of the Sigma Nu Educational Foundation, which he supported generously, a charter member of the White Star Club, and the recipient of Theta's Distinguished Alumni Award; and

WHEREAS, Ehney A. Camp, Jr., was indeed a man of incomparable generosity and selfless concern for others, and one who truly believed in the life of Love, walked in the way of Honor, and served in the light of Truth; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Ehney A. Camp, Jr., and extend our deepest sympathy to his wife of some 60 years, Mrs. Mildred Tillman Camp; daughters, Mrs. D. Lawrence Faulkner and Mrs. Thomas M. Bouleware, III; to his son, Ehney A. Camp, III; and to other family members, for whom copies of this resolution of sincere condolence shall be provided.

Approved March 18, 1993

Time: 5:46 P.M.

Act No. 93-125

H.J.R. 191 – Rep. Laird

HOUSE JOINT RESOLUTION

MEMORIALIZING CONGRESS AND THE PRESIDENT TO WORK WITH THE BUSINESS COMMUNITY TO ACHIEVE A FAIR AND REASONABLE URUGUAY ROUND TRADE AGREEMENT IN TEXTILES AND APPAREL.

WHEREAS, the proposal currently on the table in the Uruguay Round talks of the General Agreement on Tariffs and Trade (GATT) would eliminate the Multifiber Arrangement (MFA) over the next ten years; and

WHEREAS, economists estimate that this proposal would cost at least 700,000 American textile and apparel jobs, including thousands of jobs in Alabama; and

WHEREAS, it is apparent that the American textile and apparel industries would have a far better chance of competing under the current MFA than they would under the fatally flawed Uruguay Round textile proposal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby request that the Members of Congress from Alabama call on President Clinton to abandon the Uruguay Round textile proposal, keep the current Multifiber Arrangement in place, and, if there are future textile negotiations, seek a new approach to international trade in textiles and apparel which insists on opening markets worldwide and requires that trade take place under equitable conditions of competition, including environmental protection and basic human rights for workers, as a condition for any further opening of our market.

BE IT FURTHER RESOLVED, That the Alabama Legislature urges its congressional delegation to support such a trade policy based on reciprocity and fairness in order to level the playing field for international textile and apparel trade and enable the U. S. industry to effectively compete in the global marketplace and maximize long-term job opportunities for American workers, including the 102,000 Alabamians presently employed in the industry.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to each member of the Alabama congressional delegation.

Approved March 18, 1993

Time: 5:47 P.M.

Act No. 93-126

H.J.R. 195 – Reps. Gaston, Kvalheim,
Zoghby, Turner

HOUSE JOINT RESOLUTION

COMMENDING SARAH LONG DAMSON OF MOBILE,
ALABAMA, FOR OUTSTANDING COMMUNITY SERVICE.

WHEREAS, the Legislature of Alabama, in highest commendation, recognizes Sarah Long Damson for her many years of outstanding service to the Mobile community; and

WHEREAS, Mrs. Damson, who has been employed by Long's Personnel Service, Inc. since 1972 and is secretary/treasurer, earned her B.S. degree from the University of Alabama where she was elected to Mortar Board, was a member of Gamma Beta Sigma and Alpha Lambda Delta, and received the Austin Cup as 1968 Outstanding Graduate in the School of Commerce and Business Administration; and

WHEREAS, a member of the United Way Board of Trustees since 1987, Mrs. Damson served as treasurer/vice chairman for the United Way Campaign in 1991, and as campaign chairman for United Way of Southwest Alabama in 1992; she also has given generously of her time in leadership and volunteer service with the Salvation Army, Exploreum, Mobile Pre-School for the Sensory Impaired, the Mobile Bay Area Partnership for Youth, and the Mobile Junior League; and

WHEREAS, Mrs. Damson, a recipient of the M. O. Beale Scroll of Merit Award, further serves as a member of the Board of Trustees of UMS Right School, on the Advisory Board of Leadership Mobile, and as an active member of the Dauphin Way United Methodist Church, the Staff/Parish Committee and the Music Committee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to her outstanding community service and contributions to the Mobile Community, we hereby most highly commend Sarah Long Damson, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

Approved March 18, 1993

Time: 5:48 P.M.

Act No. 93-127

H.J.R. 197 – Reps. Grayson, Sanderford,
Freeman, Hall, Haney

HOUSE JOINT RESOLUTION

COMMENDING LULA GULLETTE JONES FOR OUTSTANDING ACHIEVEMENT AND SERVICE TO THE TEACHING PROFESSION.

WHEREAS, the third annual Retiree Observance was held on January 10, 1993, at Fellowship Presbyterian Church in Huntsville, Alabama, and had as its theme, "Celebrating Excellence and Dedication to the Teaching Profession"; and

WHEREAS, among those being honored by their church was Mrs. Lula Gullette Jones, a native of Clayton, Alabama, who served as an educator in Barbour and Russell Counties, and with the Huntsville City School System at William H. Council High, Calvary Hills and Rolling Hills Schools for 31 years prior to retirement in June 1992; and

WHEREAS, Mrs. Jones, who received Bachelor's and Master's degrees conferred by Alabama A and M University, also serves the educational community through her work with the Fellowship After School Tutoring (FAST) program, and as a Sunday School and Vacation Bible School Teacher, and through membership in the National and Alabama Education Associations, and Huntsville/Madison County Retired Teachers Association; and

WHEREAS, she is a member also of the National Association for the Advancement of Colored People, and of Zeta Phi Beta Sorority, Incorporated, which honored her as 1992 Zeta Woman of the Year; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with Fellowship Presbyterian Church, Huntsville, in paying tribute to Mrs. Lula Gullette Jones for "Excellence and Dedication to the Teaching Profession," and do further direct that she receive a copy of this resolution, executed in sincere praise and with highest personal regard.

Approved March 18, 1993

Time: 5:49 P.M.

Act No. 93-128

S.J.R. 47 – Senators Smith (J) and Smith (B)

SENATE JOINT RESOLUTION

COMMENDING ROBERT W. HAGER OF HUNTSVILLE, ALABAMA.

WHEREAS, on the occasion of his retirement as vice president-general manager of the Boeing Missiles and Space Division, the Alabama Legislature most highly commends Robert W. Hager on the accomplishments of his outstanding career since joining the Boeing Company in 1955; and

WHEREAS, Mr. Hager, during his tenure, has been instrumentally involved in a number of Boeing's most notable projects,

including management of the Inertial Upper Stage (ISU)/Spacecraft Integration Programs, and the company's historic Minuteman ICBM program, which he directed; and

WHEREAS, in his position as vice president-general manager, Mr. Hager had the responsibility for all missile and space programs within the Boeing Company, and for Boeing Petroleum Service, Inc., which manages the nation's Strategic Petroleum Reserve for the Department of Energy; he also was responsible for overseeing the Boeing Space Development Company and from 1984 until retirement, served as vice president, Space Station Freedom; and

WHEREAS, Robert Hager, despite the demands of his career, has assumed a leadership role in service to the Huntsville community through membership and activities of the Huntsville Hospital Foundation Board, Technical and Business Exhibition/Symposium, University of Alabama in Huntsville Foundation Board of Trustees, Huntsville/Madison County Chamber of Commerce, Mayor's Vision 2000 Policy Board, the Business Council of Alabama, and numerous other professional and civic organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate Robert W. Hager on the occasion of his retirement from the Boeing Company; we further commend him on the accomplishments of his career, and the magnitude of his community service, and direct that he receive a copy of this resolution of highest esteem.

Approved March 18, 1993

Time: 5:50 P.M.

Act No. 93-129

S.J.R. 53 – Senator Mitchell

SENATE JOINT RESOLUTION

NAMING "S. A. GRAHAM BOULEVARD" IN BRUNDIDGE, ALABAMA.

WHEREAS, the late Simmie Austin (S. A.) Graham, of Brundidge, Alabama, served with distinction as a member of the Pike County Commission from 1969-1981, as Probate Judge of Pike County, and as vice president of the State Licensing Board for General Contractors; and

WHEREAS, he also was the founder of S. A. Graham Company, Inc., a construction firm based in Brundidge and known, statewide, for the competency, proficiency and integrity of its operation; and

WHEREAS, Mr. Graham, as a dedicated and outstanding community leader, was involved as a member or officer of Springfield Baptist Church, Brundidge Rotary Club, Alabama Roadbuilders Association, Boy Scouts of America and the Board of Directors of the First National Bank of Brundidge; and

WHEREAS, in recognition of Mr. Graham's extraordinary contributions to the City of Brundidge, Pike County and the State of Alabama, it is both fitting and proper that his life and service be commemorated in a lasting and appropriate manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in memory and honor of S. A. Graham of Brundidge, Alabama, that portion of Alabama Highway 10 that lies within the city limits of Brundidge, Alabama, and heretofore known as West Troy Street, is hereby named and designated as "S. A. Graham Boulevard."

BE IT FURTHER RESOLVED, That the proper officials are authorized to erect and maintain appropriate signs and markers so designating said highway portion as the "S. A. Graham Boulevard," and we do further provide that a copy of this resolution be forwarded to Mr. Graham's family as a memento of this honorary designation by the Alabama Legislature.

Approved March 18, 1993

Time: 5:51 P.M.

Act No. 93-130

S.J.R. 54 – Senator Waggoner

SENATE JOINT RESOLUTION

RECOGNIZING THE 1993 CAHABA GIRL SCOUT LEADERSHIP CONFERENCE, ITS PARTICIPANTS, AND THE ESTABLISHMENT OF THE MILDRED BELL JOHNSON AWARD.

WHEREAS, the "1993 Cahaba Girl Scout Leadership Conference," the first of its kind to be held by the Cahaba Girl Scout Council, is a program designed to introduce Girl Scouts to the basics in networking, to help them develop self-esteem, and to explore career opportunities; and

WHEREAS, the primary goals of this project are to assist Alabama's young women in developing their leadership skills; to provide them with opportunities to learn more about the challenges to be faced on the road to success; to promote personal dedication which will enable them to achieve their personal goals; and to feature role models for them to emulate; and

WHEREAS, the philosophy of "women helping women" is the cornerstone element of the conference, and it is hoped that this program will encourage our state's emerging young women leaders to consider career fields which are looked upon as nontraditional for women; and

WHEREAS, Alabama's most valuable resource is the contribution to our society offered by its many talented citizens, and it is the policy of this body to recognize and commend excellence, especially when evidenced by the youth of our state, who are its future; and

WHEREAS, the Mildred Bell Johnson Award is one which perpetuates the memory of an individual who was dedicated to providing the Girl Scout Program to all races, and this award will henceforth recognize an adult whose life achievements have been attained through association with the Girl Scout movement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby commend the young women participating in the "1993 Cahaba Girl Scout Leadership Conference," March 10-12, 1993, and in the "Girl Scout of Distinction Luncheon" with its establishment of the Mildred Bell Johnson Award.

BE IT FURTHER RESOLVED, That copies of this resolution be furnished to the Cahaba Girl Scout Council, Leadership Conference participants, and members of the Capitol Press Corps.

Approved March 18, 1993

Time: 5:52 P.M.

Act No. 93-131

S.J.R. 55 – Senators Waggoner and Bennett

SENATE JOINT RESOLUTION

RECOGNIZING BROOKWOOD MEDICAL CENTER FOR OUTSTANDING SERVICE TO THE COMMUNITY SINCE 1973.

WHEREAS, Brookwood Medical Center in Homewood was established in 1973, and is now celebrating 20 years of service in

providing excellence in healthcare to countless patients within the community, from throughout the state, and to patients from all over the Southeast; and

WHEREAS, their Women's Medical Center was the first in the state to provide a hospital designed specifically for the medical needs of women, an emphasis which evidences Brookwood's concern and commitment to future generations of Alabamians; and

WHEREAS, in their commitment to care, however, Brookwood has established other centers of excellence, such as their Regional Cancer Institute, the Center for Mental Health and the Eye Institute, as well as an all-inclusive list of services providing state-of-the-art technology for their patients; and

WHEREAS, Brookwood Medical Center further boasts the highest number of laser-certified physicians on staff of any other hospital in the state and, for the past several years, has performed more surgical procedures than any other hospital in Alabama; and

WHEREAS, Brookwood now has 586 licensed beds, up from 288 in 1973, and through continuing growth and quality health-care, will continue to serve the community, state and Southeast with kindness, compassion and a focus on patient-centered care for generations to come; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we herein most heartily congratulate and commend Brookwood Medical Center on its milestone 20th year of service to the community, and do further direct that the center receive a copy of this resolution, executed in sincere praise of their preeminence in the healthcare field.

Approved March 18, 1993

Time: 5:53 P.M.

Act No. 93-132

S.J.R. 59 – Senator Bedsole

SENATE JOINT RESOLUTION

INVITING A. MICHAEL ESPY, THE UNITED STATES SECRETARY OF AGRICULTURE, TO ADDRESS THE LEGISLATURE.

WHEREAS, agriculture reigns as the premier industry in Alabama; and

WHEREAS, Secretary Mike Espy is from the neighboring State of Mississippi; and

WHEREAS, he is the first Secretary of Agriculture from the South; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most cordially invite Secretary A. Michael Espy of the United States Department of Agriculture to address the Alabama Legislature on March 18, 1993, at 1:30 p.m., at which time the Legislature will convene in joint session to hear Secretary Espy's remarks.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Secretary Espy advising him of this invitation and of our hopeful anticipation of his acceptance.

Approved March 18, 1993

Time: 5:54 P.M.

Act No. 93-133

H. 285 – Rep. Harper

AN ACT

To repeal Section 8 and amend Section 9 of Act No. 227, H. 605, 1992 Regular Session, relating to an increase in the fees and costs in circuit and district courts; to delete certain provisions relating to the termination of the fee increases; to make an appropriation to the unified judicial system for the trial courts for the fiscal year ending September 30, 1993.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act No. 92-227, H. 605, 1992 Regular Session, is repealed.

Section 2. Section 9 of Act No. 92-227, H. 605, 1992 Regular Session, is amended to read as follows:

“Section 9. The appropriations in this Act shall be absolute, except that to the extent proration of the judicial branch is lifted or exempted for the remainder of the fiscal year ending September 30, 1992, by the Governor or otherwise, such appropriations in Section 5 shall be reduced to the extent that judicial branch budgets shall not exceed amounts appropriated by the Legislature by Act No. 91-738 of the 1991 First Special Session.

Section 3. For the fiscal year ending September 30, 1993, there is appropriated to the unified judicial system for the trial courts, two million dollars (\$2,000,000) from the State General Fund or such amount as necessary to bring the total appropriation to the

unified judicial system up to \$77,249,419 for the fiscal year ending September 30, 1993, whichever amount is less. The appropriation provided in this section shall be in addition to any funds appropriated to the unified judicial system in the General Appropriations Act for the fiscal year ending September 30, 1993, or any other supplemental appropriations acts.

Section 4. The increase in court fees provided for in this act shall be effective for the fiscal year ending Sept. 30, 1994 and 1995. All fees generated by this act shall be deposited in the State General Fund.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1993

Time: 4:00 P.M.

Act No. 93-134

H.J.R. 203 – Reps. Rockhold, Harper

HOUSE JOINT RESOLUTION

COMMENDING R. D. "DOUG" FREEMAN ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, in consensus of commendation, the Alabama Legislature most heartily congratulates R. D. "Doug" Freeman of Tillman's Corner, Alabama, on the occasion of his retirement from Liberty National Insurance Company, following a career of some 35 years in the insurance business; and

WHEREAS, Mr. Freeman, who began his career with Southern Life and Health Insurance Company, where he worked for 19 1/2 years, joined Liberty National in 1978 and, in 1981, was the company's top salesman, statewide; and

WHEREAS, in addition, however, to the responsibilities of his employment, Mr. Freeman has also assumed a leadership role in the community as a member of the board of the Tillman's Corner Chamber of Commerce, which honored him as a former "Citizen of the Year"; and

WHEREAS, he further is a member of the Mobile County Water and Fire Protection Board, a member and Deacon of Travis Road Baptist Church, and over the years, has been involved in

numerous other areas of concern to Tillman's Corner and Mobile County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend R. D. "Doug" Freeman of Tillman's Corner, Alabama, for outstanding professional and community leadership, and do further direct that he receive a copy of this resolution of highest personal regard.

Approved March 25, 1993

Time: 4:01 P.M.

Act No. 93-135

H.J.R. 205 – Reps. Barnes, Rogers (J),
 Escott-Russell, Spratt,
 Newton (D), Anderson,
 Beasley, Biddle,
 Black (L), Black (M),
 Blakeney, Bowling, Box,
 Bryant, Bugg, Burke,
 Buskey, Butler, Cagle,
 Campbell, Carns,
 Carothers, Carter,
 Clark (J), Clark (W),
 Clay, Collins, Cosby,
 Crow, Cullins, Curry,
 Dolbare, Drake, Flowers,
 Ford, Freeman, Fuller,
 Gaines, Gaston, Goodwin,
 Grayson, Gullatt, Hall,
 Hamilton, Hammett,
 Haney, Harper, Harvey,
 Hawkins, Haynes,
 Higginbotham, Hill,
 Hogan, Holladay, Holley,
 Holmes, Hooper,
 Johnson, Kennedy,
 Knight (A), Knight (J),
 Kvalheim, Laird, Layson,
 Letson, Lindsey, Mathis,
 McClain, McDaniel,
 McDowell, McKee,

McMillan, Melton,
 Mikell, Millican, Morrow,
 Morton, Newton (C),
 Parker (P), Parker (T),
 Payne, Penry, Perdue,
 Petelos, Poole, Powell,
 Rich, Richardson,
 Rockhold, Rogers (F),
 Sanderford, Sanderson,
 Smith (C), Smith (R),
 Starkey, Thomas,
 Turner, Turnham,
 Venable, Walker,
 Warren, White,
 Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF DR. THOMAS J. KNOX.

WHEREAS, it is with profound sorrow and regret that the Alabama Legislature records the death of Dr. Thomas J. Knox on March 5, 1993, at the age of 91 years; and

WHEREAS, Dr. Thomas Knox, a former pharmacist, educator and coach at Miles College in Birmingham, received his bachelor of science degree from Talladega College and a pharmacy degree from Meharry Medical College in Nashville; and

WHEREAS, founder and chairman of the physical education department at Miles, Dr. Knox taught football, basketball and baseball from the 1930's to 1979, and was inducted into both the Miles College Sports Hall of Fame and the Southern Intercollegiate Hall of Fame; he also taught chemistry at the college for many years, and practiced pharmacy in North Birmingham; and

WHEREAS, known by his students as "Papa" and "Mule," Dr. Knox was a "strict disciplinarian" who emphasized the importance of education to his students; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Dr. Thomas J. Knox and extend deepest sympathy to his devoted wife, Lucille W. Knox; to his sons, Reginald Knox and Merrill Knox; and to other family members for whom a copy of this resolution of sincere condolence shall be provided.

Approved March 25, 1993

Time: 4:03 P.M.

Act No. 93-136

H.J.R. 206 – Rep. Newton (C)

HOUSE JOINT RESOLUTION

CONGRATULATING THE 1992-93 ALABAMA INDEPENDENT SCHOOL ASSOCIATION BOYS CLASS 2A STATE BASKETBALL CHAMPIONS OF FORT DALE-SOUTH BUTLER ACADEMY, GREENVILLE, ALABAMA.

WHEREAS, it is with great pride and pleasure that the Legislature of Alabama congratulates the Fort Dale-South Butler Academy Boys Basketball Team on its Alabama Independent School Association Class 2A Championship season; and

WHEREAS, under the leadership of first year Head Coach Chris Robinette and Assistant Coach Jim Autrey, the team completed the season with a record of 21 victories and only two losses; and

WHEREAS, the Fort Dale-South Butler Academy Eagles defeated the Autauga Academy team 49-48 in the semi-final game, and defeated the Calvary Christian School 62-48 in the championship game; and

WHEREAS, members of the team are Brian Barganier, Patrick Bowman, Tyler Carter, Tom Callison, Aaron Cowles, Morgan Jones, Weymon Jones, Tim McSpadden, Ken Wesley, Diego Cenoz, Jason Ealum, Cameron Reynolds, Tison Barganier, and Nathan Crowell; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend and congratulate the Alabama Independent School Association 1992-93 Boys Class 2A Basketball State Champions of Fort Dale-South Butler Academy, and do further direct that copies of this resolution be forwarded to Coaches Robinette and Autrey for appropriate school display.

Approved March 25, 1993

Time: 4:04 P.M.

Act No. 93-137

H.J.R. 211 – Reps. Cosby, Thomas, Bryant

HOUSE JOINT RESOLUTION

COMMENDING BIG BEAR/IGA OF SELMA, ALABAMA, WINNER OF THE NATIONAL "BEEF SHOOT-OUT" COMPETITION.

WHEREAS, Big Bear/IGA in Selma, Alabama, was selected from among 4,500 stores across the nation as the winner in a national beef sales competition; and

WHEREAS, the "Beef Shoot-Out," sponsored by the Scrivner Company, the third largest meat wholesaler in the United States, is an annual event which evaluates meat departments, nationwide, on their beef promotions, store decorations, and community involvement; and

WHEREAS, the Selma Big Bear/IGA store, which had been a regional winner for the past four years, before winning over the other 15 national regions this year, is owned by Greg Calhoun and managed by Ronnie Stanley, with Darla Barton as the market manager; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment, and as the winner of Scrivner's national "Beef Shoot-Out" competition, we hereby most highly commend Big Bear/IGA of Selma, Alabama, and direct that a copy of this resolution be provided for appropriate presentation and display.

Approved March 25, 1993

Time: 4:05 P.M.

Act No. 93-138

H.J.R. 212 – Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING LARRY LEWIS OF SELMA, ALABAMA,
FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with highest commendation that the Legislature of Alabama commends Larry Lewis, Administrator of Selma's West Central Alabama Rehabilitation Center, on his selection as a Switzer Scholar; and

WHEREAS, Mr. Lewis, who was among only 20 persons across the nation who work with the handicapped to be accorded the prestigious honor, was recognized as an expert in the field of rehabilitation by the Switzer Memorial Committee of the National Rehabilitation Association; and

WHEREAS, Larry Lewis has brought a wealth of expertise, skill and knowledge to his office as administrator of the Selma-

based facility over the last 21 years, and has staunchly supported those programs benefitting the disabled; and

WHEREAS, in addition to the commanding responsibilities of his office, he has also provided leadership and support to the community and to professional organizations on both state and national levels; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service and contributions toward advancing the cause of the handicapped of our state, and on his selection as a Switzer Scholar, we hereby most highly commend Larry Lewis of Selma, Alabama, and direct that he receive a copy of this resolution of sincere tribute and esteem.

Approved March 25, 1993

Time: 4:06 P.M.

Act No. 93-139

H.J.R. 213 – Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING CAROLYN HUTCHENSON FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

WHEREAS, the Legislature of Alabama, in highest commendation, recognizes Carolyn Hutchenson as recipient of the Alabama Special Olympics Outstanding Broadcast Station Personality Award for 1992; and

WHEREAS, Mrs. Hutchenson of WHBB Radio received this honorable recognition for her outstanding support of the Special Olympics in Dallas County; through her radio talk show Mrs. Hutchenson provided broad-based and effective coverage to the Dallas County School's Special Olympics Program effort; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions to a noble and worthy cause, and on being recognized as Alabama's Special Olympics Outstanding Broadcast Station Personality in 1992, we hereby most highly commend Carolyn Hutchenson of Dallas County, and direct that she receive a copy of this resolution of sincere regard and esteem.

Approved March 25, 1993

Time: 4:07 P.M.

Act No. 93-140

H.J.R. 214 – Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING RICHARD SCRUSHY, RECIPIENT OF THE UNIVERSITY OF ALABAMA AT BIRMINGHAM DISTINGUISHED ALUMNUS AWARD.

WHEREAS, Richard Scrushy, a native of Selma, Alabama, and founder of HealthSouth Rehabilitation Corporation, is the recipient of only the second Distinguished Alumnus Award to be bestowed by the University of Alabama at Birmingham (UAB); and

WHEREAS, this prestigious recognition was awarded to Mr. Scrushy 18 years following his graduation from UAB, where he taught for two years in the respiratory program, before joining Lifemark Corporation, a national hospital services management company, where he was promoted to vice president before leaving the company to found HealthSouth Rehabilitation in 1984; and

WHEREAS, Mr. Scrushy, an extraordinarily skillful businessman who is deeply committed to the healthcare field, has built his corporation into one of the nation's largest providers of rehabilitation services, and one which owns and operates some 140 facilities in 27 states, and employs more than 7,000 people; and

WHEREAS, Mr. Scrushy also has gained prominence for his successful endeavors in raising more than \$2 million in funds for United Cerebral Palsy, American Lung Association, Ronald McDonald House and the American Cancer Society, among other charities, and for his generous contributions to his alma mater, as evidenced by his and HealthSouth's pledge of \$100,000 for scholarships and faculty research awards, and \$25,000 for graduate student scholarships; and

WHEREAS, Mr. Scrushy is indeed deserving of highest praise for outstanding achievement and his many philanthropic deeds, which reflect positively upon himself, his hometown of Selma and the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service in the health care field, we hereby commend Richard Scrushy, for whom a copy of this resolution of highest personal regard shall be provided.

Approved March 25, 1993

Time: 4:08 P.M.

Act No. 93-141

H.J.R. 215 – Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, March 11, 1993, they adjourn to meet again on Tuesday, March 16, 1993.

Approved March 25, 1993

Time: 4:09 P.M.

Act No. 93-142

H.J.R. 222 – Rep. Black (L)

HOUSE JOINT RESOLUTION

COMMENDING ASA N. GREEN FOR DISTINGUISHED SERVICE TO LIVINGSTON UNIVERSITY.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Asa N. Green who, for the past 20 years, has served with distinction as president of Livingston University; and

WHEREAS, Asa Green, a United States Army veteran, received his A.B. degree, cum laude, from Bates College in Lewiston, Maine, an M.A. degree from the University of Alabama, and an honorary LL.D degree from Jacksonville State University; he also was a Graduate Fellow of the Southern Regional Training Program in Administration; and

WHEREAS, over the years of his dedicated tenure, Mr. Green has led the university to extraordinary heights of achievement; he has also provided invaluable leadership and support to a number of civic and educational boards and committees, dealing with matters of public interest and concern on both state and local levels, and has authored numerous articles, research reports and technical publications; and

WHEREAS, in tribute to his many outstanding contributions and accomplishments, he has been named to Who's Who in America, Outstanding Educators in America, and as "University Administrator of the Year" by the Alabama Association of College Administrators, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of

outstanding professional achievement and service to Livingston University, higher education, and to the community, we hereby most highly commend Asa N. Green, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

Approved March 25, 1993

Time: 4:10 P.M.

Act No. 93-143

H.J.R. 224 – Rep. Butler

HOUSE JOINT RESOLUTION

COMMENDING THE BOB JONES HIGH SCHOOL PATRIETTES OF MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the accomplished Bob Jones High School Patriettes dance team claimed first place honors in the jazz division of the recent State Dance Competition held at Samford University in Birmingham; and

WHEREAS, members of this talented group are Robin Butler, captain, along with Naomi Lowery, Katie Sharp, Catherine Rawlinson, Sara Tyree, Julie Grissom, Kim McIrath, Angel Hindman, Jennifer Hicks, Amanda Corley, Krista Mateskon, Christal Gamble, Cheryl Lewis and Martha Harden; and

WHEREAS, the Patriettes, also in 1993, were recognized as Madison County Dance Team Champions, and were among the top 25 in national competition in 1992; and

WHEREAS, in addition to jazz, the Patriettes also are proficient in other dance categories, including novelty, high-kick and pom-pom, among other routines; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of their outstanding achievements, we hereby most highly commend and congratulate the Bob Jones High School Patriettes, a talented group of young ladies in whom we are justly proud.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for appropriate presentation to team sponsor, Patsy Johnson, and team captain, Robin Butler, with a copy also provided for school display.

Approved March 25, 1993

Time: 4:11 P.M.

Act No. 93-144

H.J.R. 225 – Rep. Layson

HOUSE JOINT RESOLUTION

COMMENDING THE CARROLLTON HIGH SCHOOL GIRLS BASKETBALL TEAM AS 1992 STATE 1A CHAMPIONS.

WHEREAS, the Legislature of Alabama most heartily congratulates the Carrollton High School Girls Basketball Team on their 1992 State Class 1A Championship in the Alabama High School Athletic Association Girls State Tournament; and

WHEREAS, under the able leadership of Coach Eddie James, the team finished the season with a spectacular 27-1 record; and

WHEREAS, in the State Play-Offs Carrollton High School beat Thorsby High School and Loachapoka High in quarterfinal play, followed by impressive wins over Bayside Academy and Valley Head, and, in the finals, downed Vina High with a 67-53 tally to win the State Championship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend and congratulate the Carrollton High School Girls Basketball Team on the 1992 State Class 1A Basketball Championship, and direct that copies of this resolution be forwarded to principal Wayne Owens for appropriate presentation and display.

Approved March 25, 1993

Time: 4:12 P.M.

Act No. 93-145

H.J.R. 228 – Reps. Rockhold, Hooper

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF HARDY D. WALLACE OF LAUREL HILL, FLORIDA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Hardy D. Wallace of Laurel Hill, Florida, on February 5, 1993; and

WHEREAS, Mr. Wallace, a former longtime civil service employee at Eglin Air Force Base in Florida, was a faithful member of the Laurel Hill Baptist Church; and

WHEREAS, the death of Mr. Wallace has left an unfathomable void in the life of the community, and in the hearts of his beloved family, friends, and all those whose lives he so lovingly touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Hardy D. Wallace and extend our deepest sympathy to his son, Truman Wallace; his daughter, Martha Louise Carroll; and his five grandchildren, for whom a copy of this resolution of sincere condolence shall be provided.

Approved March 25, 1993

Time: 4:13 P.M.

Act No. 93-146

H.J.R. 229 – Reps. Harper, Zoghby,
Rockhold, Gaston,
Kvalheim, McMillan

HOUSE JOINT RESOLUTION

COMMENDING WALTER HOVELL OF MOBILE, ALABAMA.

WHEREAS, it is with great pleasure that the Alabama Legislature congratulates Walter Hovell as the recipient of “Mobilian of the Year” honors, a bestowal of the Civitan Club of Mobile in recognition of outstanding community service; and

WHEREAS, Walter Hovell, president and chief executive officer of Mobile Gas Corporation, started his career as an accountant in 1961 and, through successive promotions, rose through the ranks to the corporation’s top administrative post; and

WHEREAS, Mr. Hovell, a former school dropout who, through prayer and the prayers of his family and friends, turned his life around to finish his high school education; he then served a four-year stint in the U. S. Marine Corps where he acquired self-discipline, and enrolled and graduated from Spring Hill College; and

WHEREAS, in addition to the responsibilities of his career, however, Mr. Hovell has worked equally as hard in service to the community, focusing primarily on the improvement of local education, in keeping with his belief that, in education, lies the key to success; and

WHEREAS, Mr. Hovell has been most particularly active as a member of A+, an education reform group, and as a member of the

boards of Bishop State Community College and the Alabama School of Math and Science; he has worked tirelessly, as well, toward a drug-free Mobile, and with health and human service agencies; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding community service, and upon his selection as "Mobilian of the Year," we hereby commend Walter Hovell, whom we greatly admire and for whom a copy of this resolution shall be provided.

Approved March 25, 1993

Time: 4:14 P.M.

Act No. 93-147

H.J.R. 231 – Rep. McKee

HOUSE JOINT RESOLUTION

COMMENDING JOHN W. HUNT FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

WHEREAS, John W. Hunt retired in 1991 after an illustrious twenty-eight-year career with the Alabama Department of Human Resources; and

WHEREAS, during his career, Mr. Hunt was instrumental in the creation and the development of Alabama's Food Stamp Program, and was involved in the program from its inception in 1963; and

WHEREAS, under his management, Alabama's Food Stamp Program grew from nothing into an essential resource that provides more than a half million low-income Alabamians with good nutrition, and brings nearly a half billion dollars into the state's economy each year; and

WHEREAS, under his management, Alabama received national recognition for administering one of America's most efficient Food Stamp Programs while maintaining a sense of responsibility to the families who receive food stamps; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize, commend, and thank John W. Hunt for his invaluable service to the people of Alabama, and direct that he receive a copy of this resolution of highest praise and esteem.

Approved March 25, 1993

Time: 4:15 P.M.

Act No. 93-148

H. 206 – Reps. Kvalheim, Box, Hogan

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Medical Examiners and Medical Licensure Commission with certain modifications; to amend Sections 34-24-70, 34-24-73, 34-24-75, 34-24-83, and 34-24-313, Code of Alabama 1975, so as to rewrite qualifications for applicants for medical licensure, provide for licensure by endorsement of certain physicians, authorize the board to hire paid consultants, and authorize board members to serve the board as paid consultants; and to repeal Sections 34-24-70.1, 34-24-72, 34-24-76, 34-24-77, and 34-24-78, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the State Board of Medical Examiners and Medical Licensure Commission, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the State Board of Medical Examiners and Medical Licensure Commission, created and functioning pursuant to Sections 34-24-50 to 34-24-84, and 34-24-310 to 34-24-406, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 34-24-70, 34-24-73, 34-24-75, 34-24-83, and 34-24-313 of the Code of Alabama 1975, are amended to read as follows:

“§34-24-70.

“(a) The following constitute the requirements for the issuance of a certificate of qualification for a license to practice medicine in this state:

“(1) **MEDICAL EDUCATION REQUIREMENT.** All applicants for a certificate of qualification shall present a diploma or evidence of graduation from any of the following institutions:

“a. A college of medicine or school of medicine accredited by the Liaison Committee on Medical Education of the American Medical Association.

“b. A college of osteopathy accredited by the American Osteopathic Association.

“c. A college of medicine or school of medicine not accredited by the Liaison Committee on Medical Education which is approved by the Board of Medical Examiners under Sections 34-24-79 to 34-24-84, inclusive, if the applicant received the diploma after February 9, 1988.

"d. A college of medicine or school of medicine not accredited by the Liaison Committee on Medical Education if the applicant received the diploma on or before February 9, 1988.

"(2) POST-GRADUATE EDUCATION REQUIREMENT. All applicants for a certificate of qualification shall present evidence satisfactory to the board that the applicant has completed one year of post-graduate or residency training (PGY-1) in any of the following programs:

"a. A program listed in the directory of approved residency training programs published by the American Medical Association.

"b. A program accredited by the American Osteopathic Association.

"c. A program accredited by the Accreditation Committee of Royal College of Physicians and Surgeons of Canada.

"(3) EXAMINATION REQUIREMENTS. Applicants for a certificate of qualification shall achieve a passing score as determined by the Board of Medical Examiners on any of the examinations listed below:

"a. The United States Medical Licensing Examination. The applicant shall have achieved a passing score on step 3 in not more than four administrations and shall have completed steps 1, 2, and 3 within a seven-year period.

"b. The Federation Licensing Examination.

"c. The National Board of Medical Examiners Examination.

"d. The National Board of Osteopathic Physicians and Surgeons Examination.

"e. The Licensing Medical Council of Canada Examination.

"f. Any other examination which is currently approved or which may later be approved by the Board of Medical Examiners and which examines in the following branches of medical learning: General medicine, surgery, obstetrics, gynecology, preventive medicine, jurisprudence, and any other branches as the board may require.

"g. Through December 31, 1999, an applicant for a certificate of qualification licensed in another state, the District of Columbia, a territory of the United States, or a province of Canada, with which the State Board of Medical Examiners has established a relationship for licensing by endorsement may be licensed upon presentation of that license and evidence of passage of one of the licensing examinations listed above, provided the applicant meets all other requirements of this chapter.

"h. Beginning January 1, 2000, the following requirements shall apply:

"1. All applicants for initial licensure by examination shall achieve a passing score, as determined by the Board of Medical Examiners, on the United States Medical Licensing Examination.

"2. Applicants by endorsement licensed in another state, the District of Columbia, a territory of the United States, or a province of Canada who completed any one of the licensing examinations listed above prior to January 1, 2000, are eligible for licensure upon proof of a passing score of such examination.

"3. Applicants by endorsement licensed in another state or the District of Columbia, or a territory of the United States, or a province of Canada whose licensing examination was completed after January 1, 2000, shall achieve a passing score, as determined by the Board of Medical Examiners, on the United States Medical Licensing Examination.

"4. The board may establish by regulation acceptable combinations of the Federation Licensing Examination, National Board of Medical Examiners Examination, and/or United States Medical Licensing Examination through January 1, 2000, in satisfaction of the examination requirement for a Certificate of Qualification.

"(4) APPLICATION AND EXAMINATION FEE REQUIREMENT. Payment in advance to the board of the required application fee or examination fee, or both, in amounts as established in the regulations of the board.

"(5) ADDITIONAL REQUIREMENTS FOR EXAMINATION FOR CERTAIN APPLICANTS.

"a. All applicants who have not passed a written state licensing examination, the examination given by the National Board of Medical Examiners, the United States Medical Licensing Examination, the National Board of Osteopathic Physicians and Surgeons Examination, the examination given by the Licensing Medical Council of Canada, the Special Purpose Examination, or the Federation Licensing Examination within 10 years immediately preceding the date of the application shall either:

"1. Achieve a passing score on the Special Purpose Examination.

"2. Be certified by or achieve a passing score on a recertification examination given by one of the specialty boards approved by the American Board of Medical Specialties or one of the specialty boards approved by the American Osteopathic Association within 10 years immediately preceding the date of the application.

"b. All applicants who graduated from a college of medicine not accredited by the Liaison Committee of Medical Education or the American Osteopathic Association shall achieve a certification given by the Education Council for Foreign Medical Graduates.

"(b) ADMINISTRATION OF EXAMINATIONS BY THE BOARD.

"(1) Applicants for a certificate of qualification who are applying for initial licensure in the State of Alabama, and who meet all qualifications for administration of step 3 of the United States Medical Licensing Examination are eligible to take the United States Medical Licensing Examination in Alabama.

"(2) The following individuals are eligible to take the Special Purpose Examination in Alabama:

"a. Applicants who are applying for licensure in Alabama who are required to take the examination under another provision of this section.

"b. Individuals required to take the examination pursuant to an order or directive of the State Board of Medical Examiners or the Medical Licensure Commission.

"c. Any physician licensed in Alabama who is required to take the examination in connection with an application for licensure in another state.

"(3) The following individuals are eligible to take the Federation Licensing Examination in Alabama:

"a. An applicant for initial licensure in the State of Alabama who is required to take the examination or a part thereof as a condition of licensure.

"b. Any physician licensed in Alabama who is required to take the examination in connection with an application for licensure in another state.

"c. Individuals required to take the examination pursuant to an order or directive of the State Board of Medical Examiners or the Medical Licensure Commission.

"(c) ADMINISTRATIVE REQUIREMENTS FOR EXAMINATION BY THE BOARD.

"(1) A candidate is eligible to sit for any examination administered by the board a total of four administrations. An applicant for initial licensure shall complete steps 1, 2, and 3 of the United States Medical Licensing Examination within a seven-year period.

"(2) Each applicant shall pay an examination fee as established by the board for each administration of the required

examination. The examination fee is not returnable to an unsuccessful applicant.

“(3) Examinations administered by the board may be given in Montgomery or at any other location in the state determined by the board on those dates and at those times as set by the board.

“(4) Applicants who are required to take the Federal Licensing Examination, the Special Purpose Examination, or the United States Medical Licensing Examination administered by the board shall, in addition to the other requirements of this section, be eligible to sit for and take the examination under the rules established by the organization which created the examination.

“(5) The board may enter into personal service contracts with individuals, firms, or corporations for the administration of any examination required by this section.

“(6) The board shall keep complete records of all examinations conducted, giving the name, age, residence, college, date of graduation of the applicant examined, and the results of the examination. These records shall be open to public inspection.

“(7) The board shall establish by rule or regulation the passing score for all examinations administered by it under this section.

“(d) **GROUND FOR DENIAL OF A CERTIFICATE OF QUALIFICATION.** The board may deny an application for a certificate of qualification on any of the following grounds:

“(1) Failure of the applicant to achieve a passing score on any examination required under this section.

“(2) Failure of the applicant to complete the application form as specified by the board or to provide additional information requested by the board in connection with the application.

“(3) A finding that the applicant has submitted or caused to be submitted false, misleading, or untruthful information to the board in connection with an application for a certificate of qualification.

“(4) Failure to appear before the board or a committee of the board if formally requested to appear in connection with an application for a certificate of qualification.

“(5) A finding by the board that the applicant has committed any of the acts or offenses constituting grounds to discipline the licensee to practice medicine in this state pursuant to, but not limited to, Sections 16-47-128, 34-24-360, and 34-24-57.”

“§34-24-73.

“(a) The state board of medical examiners may establish reciprocal agreements for licensure by endorsement with similar boards of other states, the District of Columbia, the territories of the United States, and the provinces of Canada in reference to the issuance of certificates of qualifications. Reciprocal agreements shall not be established with a board of examiners that does not require examination upon substantially the same branches of medical learning as those examinations required for licensure in this state, and that does not maintain a standard of proficiency at least equal to that maintained by the board of medical examiners of this state. When reciprocal agreements have been established, subject to the requirements of Section 34-24-70, a certificate of qualification may be issued by endorsement in behalf of a person who presents evidence of compliance with the requirements of a reciprocating board.

“(b) The state board of medical examiners may issue a certificate of qualification by endorsement in behalf of a person who presents evidence of compliance with the requirements of the appropriate board of examiners of another state, the District of Columbia, a territory of the United States, or a province of Canada, if that board requires examination upon substantially the same branches of medical learning as those examinations required for licensure in this state and maintains a standard of proficiency at least equal to that maintained by the state board of medical examiners of this state, whether or not it has established reciprocal agreements with the appropriate board of examiners. Subject to the requirements of Section 34-24-70, the state board of medical examiners may also issue a certificate of qualification by endorsement in behalf of a person who presents evidence satisfactory to the board of successful completion of the federation licensing examination or the examination given by the national board of medical examiners, or the United States Medical Licensing Examination with a passing score acceptable to the state board of medical examiners.

“(c) Any certificate of qualification issued in accordance with this section shall include on its face a statement that the certificate was issued pro forma and by endorsement.

“(d) Any certificate of qualification previously issued by the state board of medical examiners under this section is validated, ratified, and confirmed if that certificate could have been legally issued as the section now reads.

“(e) No person in whose behalf a reciprocal or pro forma certificate of qualification has been issued shall practice in this state unless the person obtains a license and certificate of registration from the state medical licensure commission.”

“§34-24-75.

“(a) The state board of medical examiners may, in its discretion and subject to rules and regulations promulgated by the board, issue a certificate of qualification without examination in behalf of full-time employed physicians teaching in any medical college in Alabama, approved by the Association of American Medical Colleges or the board. The dean of the medical college located in this state shall be required to annually certify to the board the names of members of the college’s faculty who have not had issued in their behalf a certificate of qualification by the board and who, in the opinion of the dean, possess the qualifications as the board has or may prescribe including qualifications in the basic sciences, medical education, and other qualifications. The dean, in submitting the certificate of qualifications, shall submit, in addition to the certificate and other information required, a dossier on the applicant to include the following: name, place of birth, all places of residence, race, religious beliefs, any convictions of any crimes, education showing institution degrees, medical training degrees and experience, internships by years and place, and any other honorary degrees or recognitions. The dean shall include any other remarks appropriate. The statement shall be signed by the applicant under oath. The dean shall verify the records including the last statement upon ‘information and belief.’ The record shall be public records and shall be submitted to the board and kept as permanent records for the use of the board and for public inspection for due cause. If the board concurs in the opinion of the dean, the board may waive any requirement of examination or citizenship, but teacher applicants must be at least 21 years of age and of good moral character. Physicians having certificates issued hereunder must limit their practice to the confines of the medical center of which the medical college is a part, and as an adjunct to their teaching functions in that college. Certification will be automatically withdrawn and automatically expires without notice when full-time employment is terminated. The state board of medical examiners shall make rules and regulations it considers necessary to carry out the purpose of this section. Certificates issued hereunder and licenses based thereon shall state on their face that the practice is limited to the confines of a particular medical center of which a certain medical college is a part and are issued pro forma without examination. ‘Teaching physicians in whose behalf a certificate of qualification is issued hereunder shall be subject to having their certificates of qualification suspended or revoked by the board for the same causes or reasons and in the same manner as is provided by law in the case of other physicians. Certificates of qualification issued under this subsection shall expire annually. Teaching physicians may apply

to the board of medical examiners to renew their certificates of qualification, but the board shall have full discretion to accept or reject the application for renewal. Teaching physicians to whom a certificate is issued under this subsection shall be required to pay the board for the initial certificate the same amount of fees as are now or as may be required of applicants for a certificate by endorsement. Fees charged by the board for renewal of certificates issued under this subsection shall not exceed \$15.00. Nothing in this subsection shall be construed so as to authorize any physician certified hereunder to practice medicine in any manner outside the confines of the medical center in which he or she is employed and any practice or attempt to practice medicine outside the confines of that medical center shall result in the immediate and automatic revocation without notice of any certificate of qualification issued pursuant to this subsection.

“(b) The state board of medical examiners may, in its discretion and subject to rules and regulations promulgated by the board, issue a certificate of qualification without examination in behalf of any physician employed full-time at any state penal institution or any state mental institution or any other state institution approved by the board of medical examiners. Physicians having certificates issued hereunder must limit their practice to the confines of the institution in which they are employed. Certification will be automatically withdrawn and automatically expires without notice when full-time employment is terminated. The state board of medical examiners shall make rules and regulations it considers necessary to carry out the purpose of this section. Certificates issued hereunder and licenses based thereon shall state on their face that the practice is limited to the confines of a state institution and are issued pro forma without examination. Physicians in whose behalf a certificate of qualification is issued hereunder shall be subject to having their certificates of qualification suspended or revoked by the board for the same causes or reasons and in the same manner as is provided by law in the case of other physicians. Certificates of qualification issued under this subsection shall expire annually. Physicians may apply to the board of medical examiners to renew their certificates of qualification, but the board shall have full discretion to accept or reject the application for renewal. Physicians to whom a certificate is issued under this subsection shall be required to pay the board for the initial certificate the same amount of fees as are now or as may be required of applicants for a certificate by endorsement. Fees charged by the board for renewal of certificates issued under this subsection shall not exceed \$15.00. Nothing in this subsection shall be construed so as to authorize any physician certified hereunder to practice medicine in any manner outside the confines of

the institution in which he or she is employed and any practice or attempt to practice medicine outside the confines of that institution shall result in the immediate and automatic revocation without notice of any certificate of qualification issued pursuant to this subsection.

“(c) The state board of medical examiners may, in its discretion and subject to the rules and regulations promulgated by the board, issue a certificate of qualification without examination in behalf of physicians enrolled in a residency training program approved by the board. The board shall also have the authority to require the verification and certification it deems necessary to insure that the applicant is qualified for a certificate of qualification. Physicians having certificates issued hereunder must limit their practice to the confines of the institution in which they are placed pursuant to their training program. Certification will be automatically withdrawn and automatically expires without notice when the physician is no longer enrolled in the training program. The state board of medical examiners shall promulgate rules and regulations it considers necessary to carry out the intent of this subsection. Certificates issued hereunder and licenses based thereon shall state on their faces that the practice is limited to the confines of the institution in which the physician is placed pursuant to his or her training program and shall specifically name that institution. Certificates issued hereunder and licenses based thereon shall also state on their faces that they are issued pro forma without examination. Any physician in whose behalf a certificate of qualification is issued hereunder shall be subject to having his or her certificate of qualification suspended or revoked by the board for the same causes or reasons and in the same manner as is provided by law in the case of other physicians. Certificates of qualification issued under this subsection shall expire annually. Physicians may apply to the board of medical examiners to renew their certificates of qualification, but the board shall have full discretion to accept or reject the application for renewal. Physicians to whom a certificate is issued under this subsection shall be required to pay the board for the initial certificate the same amount of fees as are now or as may be required of applicants for a certificate by endorsement. Fees charged by the board for renewal of certificates issued under this subsection shall not exceed \$15.00. Nothing in this subsection shall be construed so as to authorize any physician certified hereunder to practice medicine in any manner outside the confines of the institution in which he or she is placed pursuant to this training program and any practice or attempt to practice medicine outside the confines of an institution shall result in the immediate and automatic revocation without notice of any certificate of qualification issued pursuant to this subsection.”

“§34-24-83.

“(a) After February 9, 1988, all applicants for a certificate of qualification, by endorsement, by examination, or without examination under section 34-24-75, who hold a diploma from a college of medicine located outside of the United States or the District of Columbia, except a college of medicine accredited by the Liaison Committee on Medical Education (LCME), shall present proof to the board that the college of medicine which issued their diploma has been approved by the board under sections 34-24-79 to 34-24-84, inclusive. Applicants holding a diploma from a college of medicine which was conferred prior to February 9, 1988, may be issued a certificate of qualification under the requirements of Section 34-24-70. The applicant shall have burden of establishing that the college of medicine or college of osteopathy has satisfied the requirements of the board. For the purposes of sections 34-24-79 to 34-24-84, inclusive, the term ‘college of medicine’ shall also include and describe a college of osteopathy.

“(b) Notwithstanding any law to the contrary, in connection with any certificate of qualification issued by the state board of medical examiners prior to February 9, 1988, to full-time employed physicians holding a diploma from a college of medicine located outside the United States, Canada, or the District of Columbia, and teaching in any medical college in Alabama, accredited by the Liaison Commission for Medical Education, or the board, the full-time employed physicians shall be issued a certificate of qualification to engage in the practice of medicine, within the confines of the medical center in which they are employed and its affiliated programs, upon proper application for renewal of certificate of qualification to the board.”

“§34-24-313.

“(a) The state board of medical examiners may employ investigators, attorneys, agents, and any other employees and assistants or use any other means necessary to aid the commission in bringing about and maintaining a rigid administration and enforcement of this article, and the board may incur reasonable, necessary, and proper expenses for assisting the commission and for implementing this article and all laws regulating the practice of medicine or osteopathy within the state of Alabama. The commission and the board may request assistance from the attorney general, district attorneys, or other prosecuting attorneys of this state in the various circuits and counties. All prosecuting attorneys throughout the state shall assist the commission or the board, upon request of either, in any action for injunction or any prosecution without charge or additional compensation.

“(b) The board may employ consultants to render professional services such as, but not limited to, reviewing medical records and

providing expert testimony in contested cases, to aid the board in carrying out its lawful responsibilities of regulating the practice of medicine or osteopathy within the State of Alabama. Consultants shall be compensated for professional services at rates established by the board by regulation. In addition, consultants shall be reimbursed for actual reasonable expenses for travel, lodging, meals, long distance telephone expense, and other expenses reasonably incurred in the performance of the consultant's professional services.

"(c) Members of the board may render professional services to the board as consultants and shall be reimbursed for those services and for expenses as provided in paragraph (b) above. No board member shall be reimbursed under this section for any day that the board member receives per diem and mileage reimbursement for attendance at board functions and travel pursuant to Section 34-24-54."

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act, as well as the repeal of certain code sections enumerated in Section 6 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act, including, but not limited to, Sections 34-24-70.1, 34-24-72, 34-24-76, 34-24-77, and 34-24-78, Code of Alabama 1975, are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved March 25, 1993

Time: 4:16 P.M.

Act No. 93-149

II. 205 – Reps. Hogan, Escott-Russell,
Kvalheim, Box

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Hearing Aid Dealers.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Board of Hearing Aid Dealers.

Section 2. The existence and functioning of the Board of Hearing Aid Dealers, created and functioning pursuant to Sections 34-14-30 to 34-14-33, inclusive, Code of Alabama 1975, is continued until October 1, 1994, and those code sections are expressly preserved until October 1, 1994.

Section 3. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1 and 2 of this act.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 6, 1993

Time: 4:30 P.M.

Act No. 93-150

H. 209 – Reps. Kvalheim, Escott-Russell,
Hogan, Box

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the State Board of Chiropractic Examiners with certain modifications; to amend Section 34-24-140, Code of Alabama 1975, so as to prohibit the consumer member of the board from being employed in chiropractic or having an immediate family member who is a chiropractor, and to authorize, rather than require, the executive secretary of the board to be a licensee of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the State Board of Chiropractic Examiners, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the State Board of Chiropractic Examiners, created and functioning pursuant to Sections 34-24-120 to 34-24-145, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Section 34-24-140 of the Code of Alabama 1975, is amended to read as follows:

“§34-24-140.

“(a) There is created and established a state board of chiropractic examiners. The board shall be composed of seven members, each of whom shall be: a resident of Alabama who has resided in this state for at least five years; a graduate of a chartered chiropractic school or college, which required actual attendance in the school as a prerequisite to graduation therefrom; currently engaged in the practice of chiropractic and has been engaged in the practice in this state for a period of at least five years; and of good moral character. Not more than three members of the board shall be graduates of the same chiropractic school or college. The present members of the board of chiropractic examiners shall serve out their appointed terms.

“(b) By June 15, 1989, or as soon as practical, the board shall call a caucus in Congressional Districts 2, 3, and 4. These districts shall nominate members to be submitted to the governor, who shall name one member from each congressional district, as soon as vacancies occur on the board. Additionally, on April 6, 1989, the governor shall appoint an additional consumer member to the board. The consumer member shall have no vote in matters concerning licensure or discipline, and neither the consumer member, nor his or her spouse, shall be a chiropractor. The consumer member shall not be an immediate family member of a chiropractor, nor shall he or she be employed in the chiropractic field. Two appointees will be appointed for a term ending December 31, 1993. The initial appointee for Congressional District 4, and the initial consumer member, will be appointed for a term ending December 31, 1992. Thereafter, the terms of appointment will be staggered for a period of four years.

“(c) The board shall call a caucus annually in June of resident licensed chiropractors in each congressional district that will have an upcoming vacancy occurring on the board, and shall notify the licensed chiropractors of each congressional district at least 30 days prior to the caucus, announcing the time and place of the caucus. All nominees' names shall be submitted to the governor who shall select from this list.

“(d) Whenever a vacancy occurs on the board, whether by expiration of the term, death, resignation of a member, or other cause, the vacancy shall be filled in the same manner as the original appointment is made. Before appointing any member of the board, the governor shall determine that the appointee is of high character and standing and possesses the other qualifications prescribed in this section.

“(e) The board may employ investigators, inspectors, attorneys, and any other agents, employees, and assistants as may from time to time be necessary, and may use any other means necessary to

bring about and maintain a rigid administration and enforcement of state and federal law.

“(f) The board shall employ an executive secretary who shall be responsible for the administration of board policy. The executive secretary may be licensed to practice chiropractic in this state as provided in this article.

“(g) The board shall publish annually a directory listing all persons licensed to practice chiropractic in Alabama. Copies of the directory shall be made available from the executive secretary at a cost set from time to time by resolution of the board.”

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 6, 1993

Time: 4:31 P.M.

Act No. 93-151

H. 210 – Reps. Box, Kvalheim, Hogan
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners in Psychology with certain modifications; to amend Section 34-26-43.1, Code of Alabama 1975, so as to require examination fee sufficient to cover cost of examination of the applicant.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Alabama Board of Examiners in Psychology, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the Alabama Board of Examiners in Psychology, created and functioning pursuant to Sections 34-26-1 to 34-26-48, inclusive, Code of Alabama

1975, is continued, and those code sections are expressly preserved.

Section 3. Section 34-26-43.1 of the Code of Alabama 1975, is amended to read as follows:

“§34-26-43.1.

“The board of examiners in psychology shall charge each candidate for licensure as a psychologist an examination fee sufficient to cover the entire actual costs of the examination of the applicant.”

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 6, 1993

Time: 4:32 P.M.

Act No. 93-152

H. 211 – Reps. Hogan, Box, Kvalheim
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Examiners of Nursing Home Administrators with certain modifications; to amend Sections 34-20-4, 34-20-9, 34-20-10, 34-20-11, 34-20-12, and 34-20-13, Code of Alabama 1975, so as to add a consumer member to the board, require that not more than one board member from any United States Congressional District be appointed to serve at the same time and stagger terms of board members; allow the board to set its fees by rule and regulation; and to authorize certain additional fees.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Board of Examiners of Nursing Home Administrators, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the Board of Examiners of Nursing Home Administrators, created and functioning pursuant to Sections 34-20-4 to 34-20-16, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 34-20-4, 34-20-9, 34-20-10, 34-20-11, 34-20-12, and 34-20-13 of the Code of Alabama 1975, are amended to read as follows:

“§34-20-4.

“(a) There is a board of examiners of nursing home administrators composed of seven members, six original members as set out in this subsection, and an additional consumer member as set out in subsection (b). The six original members shall be composed as follows: Three members shall be nursing home administrators duly licensed and registered under this chapter; one member shall be a physician licensed under the laws of the state of Alabama who is actively concerned in a practice with the care of chronically ill and infirm, aged patients; one member shall be a hospital administrator; and one member shall be a registered nurse, licensed in Alabama, who has five years experience as a geriatric nurse and who is actively serving as a director of nursing in a geriatric facility.

“(b) Within 30 days following the effective date of the act adding this subsection, the Governor shall appoint an additional consumer member of the board for a term that is the same as the term of the member who is a licensed registered nurse. The consumer member shall vote in all matters except licensure or discipline of licensees or applicants. No consumer member, or a spouse or immediate family member of a consumer member, shall be a licensee of the board or be employed in the nursing home profession.

“(c) All members of the board shall be citizens of the United States and shall be residents of the state. Not more than one board member from any United States Congressional District shall be appointed to serve at the same time.

“(d) The three members who are licensed nursing home administrators whose terms expire after the effective date of the act amending this section shall each serve a one-year term of office. Successor members shall serve three-year terms and no board member shall serve, in addition to the one-year term provided in this subsection, more than two consecutive full three-year terms. All members shall continue to serve until a successor is appointed by the governor.

“(e) Appointments to the board for those positions to be held by nursing home administrators shall be made by the governor from a list of three nominees for each position to be submitted to the governor by the Alabama Nursing Home Association. The appointment to the board of the member for the position to be held by a physician shall be made by the governor from a list of three nominees to be submitted by the Medical Association of the state of Alabama. The appointment to the board of the member for the position to be held

by a hospital administrator shall be made by the governor from a list of three nominees to be submitted to him by the Alabama Hospital Association. The appointment to the board of the member for the position to be held by a licensed registered nurse shall be made by the governor from a list of three nominees to be submitted to him by the Alabama State Nurses Association.

“(f) The governor may remove any board member for misconduct, incapacity, incompetence, or neglect of duty after the board member so charged has been served with a written statement of charges and has been given an opportunity to be heard. Absence from any three consecutive meetings of the board within a calendar year, without cause acceptable to the governor and the board, shall be deemed cause for removal.

“(g) Any vacancy created by the death, resignation, or removal of any board member shall be filled by the governor for the unexpired term in the same manner as required by this chapter to make appointments.

“(h) Each member of the board shall receive a per diem fee of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) to be determined by the board for the time spent in the performance of official duties. Each member shall be reimbursed for all necessary and proper travel and incidental expenses incurred in implementing this chapter as is provided to state employees by the laws of the state of Alabama and regulations of the state personnel director. In setting the per diem fee, the board shall give due consideration to funds which are available for that purpose.

“(i) The board shall hold four or more meetings a year. A majority of the members of the board shall constitute a quorum at any meeting except as provided in section 34-20-14. A majority vote of the members present shall be sufficient to transact the business of the board except as provided in section 34-20-14. Meetings may be called by the chair or by a majority of the members of the board. Members shall be given seven days' written notice of all meetings.

“(j) The board shall annually elect from its members a chair and a vice-chair, at the first meeting of the board held after October 1 of each year, and each shall serve until the first meeting held after October 1 of the following year. In the event of the death, resignation, or removal of the chair from the board, the vice-chair shall succeed as chair for the remainder of the unexpired term. In the event of the death, resignation, removal or succession to the office of chair or a vice-chair, a successor shall be elected by the board to fill the remainder of the unexpired term as vice-chair. The chair, or in the absence of the chair, the vice-chair, shall preside at all meetings of the board. The chair of the board may appoint a secretary to

the board with the consent of the members of the board who shall serve at the pleasure of the board. The secretary's salary shall be fixed by the board. The secretary shall be the executive officer to the board but shall not be a member of the board. The secretary shall have those powers and shall perform those duties as are prescribed by law and the rules and regulations of the board. A clerk and sufficient deputy clerks to adequately assist the board and secretary in the keeping of the records and in the performance of their duties may be appointed by the board subject to the merit system."

"§34-20-9.

"(a) The board shall admit to examination for licensure as a nursing home administrator any candidate who submits evidence of good moral character and suitability prescribed by the board and who submits evidence to the board that he or she is at least 19 years of age, a citizen of the United States, or that he or she has duly declared his or her intention of becoming a citizen of the United States, that he or she is a high school graduate or has completed an educational program equivalent thereto, and that he or she has completed any additional educational requirements prescribed by the board. Each candidate shall also be required, prior to admission to the examination, to pay an examination fee established by the board pursuant to its rule-making authority.

"(b) The board may establish an application fee for the internship or administrator in training (AIT) program and a fee for preceptor, certification, and recertification of the administrator in training (AIT) program pursuant to its rule-making authority."

"§34-20-10

"(a) The board shall determine the subjects of examinations for applicants for licensure, and the scope, content, and format of the examinations, which in any examination shall be the same for all candidates. The examinations shall include examination of the applicant to demonstrate his or her proficiency in the rules and regulations of health and safety. The examination may consist of written or oral questions, or both.

"(b) Examinations shall be held at least four times each year, at times and places designated by the board."

"§34-20-11.

"An applicant for a license as a nursing home administrator who has:

"(1) Successfully complied with the educational and training requirements of this chapter and of the rules and regulations of the board promulgated under this chapter; and

"(2) Has paid an application fee established by the board pursuant to its rule-making authority for all applicants; and

"(3) Qualified for and passed the examination provided for in this chapter; shall be issued a license on a form provided for that purpose by the board, certifying that the applicant has met the requirements of the laws, rules, and regulations entitling him or her to serve, act, practice, and otherwise hold himself or herself out as a duly licensed nursing home administrator and has paid a fee established by the board pursuant to its rule-making authority for original licensure.

"The board may collect a fee established by the board pursuant to its rule-making authority for the issuance of a temporary emergency permit issued pursuant to section 34-20-2.

"§34-20-12.

"The board may, subject to this chapter and the rules and regulations of the board prescribing the qualifications for a nursing home administrator license, issue a license to a nursing home administrator who has been issued a license by the proper authorities of any other state or issued a certificate of qualification by any national organization, upon complying with the provisions of licensure, payment of a fee established by the board pursuant to its rule-making authority, and upon submission of evidence satisfactory to the board:

"(1) That the other state or national organization maintained a system and standards of qualification and examinations for a nursing home administrator license or certificate which were substantially equivalent to those required in this state at the time the other license or certificate was issued by the other state or national organization; and

"(2) That the other state gives similar recognition and endorsement to nursing home administrator licenses of this state. The board may charge a fee for completion of a reciprocity questionnaire, pursuant to its rule-making authority.

"§34-20-13.

"(a) Every individual who holds a valid current license as a nursing home administrator issued by the board under this chapter shall immediately upon issuance have the right and privilege of acting and serving as a nursing home administrator and of using the abbreviation 'N.H.A.' after their name. Thereafter, the individual shall annually be required to make application to the board for a renewal of license and to report any facts requested by the board on forms provided for that purpose.

"(b) Upon making application for a renewal of license, the individual shall pay an annual license fee established as determined by

the board pursuant to the rule-making authority, and, at the same time, shall submit evidence satisfactory to the board that during the year immediately preceding application for renewal he or she has complied with the requirements of the board concerning the continuation of education of nursing home administrators.

“(c) Upon receipt of the application for renewal of license, the renewal fee, and the evidence with respect to continuing education, the board shall issue a license renewal to the nursing home administrator.

“(d) (1) Failure to secure an annual renewal of a license, based on a failure to meet the continuing education requirements, shall result in the expiration of the license. An expired license may not be ‘reactivated.’ All persons holding an expired license shall be required to submit a new application and follow all procedures for licensure of a new applicant.

“(2) A licensee who complies with the continuing education requirements but who does not renew within 90 days following its due date shall be deemed delinquent and may renew within the 90 day period by paying a late renewal fee established by the board pursuant to its rule-making authority. A license that is not renewed within the 90 day period shall be deemed expired, and is subject to reapplication as provided in subdivision (1).

“(e) A licensee who holds a current license and who is not practicing as a nursing home administrator may place that license into an ‘inactive status’ upon written application to the board. Any licensee whose license has been placed on inactive status may not engage in the practice of nursing home administration.

“(f) A licensee whose license is on an inactive status who wishes to ‘reactivate’ that license may do so by making application to the board. The applicant shall attach proof of having completed 24 hours of approved continuing education credits within one year of making application for license reactivation, and shall pay a reactivation fee established by the board pursuant to its rule-making authority. A licensee may not have his or her license in inactive status for more than five years. After five years in inactive status, the license automatically becomes expired.

“(g) The board shall maintain a file of all applications for licensure that includes the following information on each applicant: residence, name, age, the name and address of his or her employer or business connection, the date of application, educational and experience qualifications, action taken by the board, serial numbers of licenses issued to the applicant, and the date on which the board acted on or reviewed the application.

“(h) The board shall maintain a list of current licensees of board, and shall furnish the list on demand to any person who pays a fee established by the board pursuant to its rule-making authority.

“(i) The board shall adopt a program for continuing education for its licensees by October 1, 1991. After that date, successful completion of the continuing education program by board licensees shall be required in order to obtain a renewal license.

“(j) Continuing education shall not result in a passing or failing grade.

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act, including but limited to, are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 6, 1993

Time: 4:33 P.M.

Act No. 93-153

H. 213 – Reps. Box, Kvalheim, Hogan

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Optometry with certain modifications; to amend Sections 34-22-4, 34-22-20, 34-22-40, 34-22-41, and 34-22-42, Code of Alabama 1975, so as to delete references to hard contact lenses, require applicants to complete educational requirements before taking the exam, increase the exam fee, add two members to the board, increase the daily reimbursement of board members, and authorize the executive director to be a licensee of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Alabama Board of Optometry, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the Alabama Board of Optometry, created and functioning pursuant to Sections 34-22-1 to 34-22-65, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 34-22-4, 34-22-20, 34-22-40, 34-22-41, and 34-22-42 of the Code of Alabama 1975, are amended to read as follows:

“§34-22-4.

“(a) It is not the intent of this chapter to prevent any nurse, school teacher, welfare worker, state, county, municipality, or other public board, body, agency, institution, or official from determining the probable need of visual services; provided, that the person or agency does not attempt to examine, diagnose, prescribe, or recommend any particular practitioner and complies with the provisions of section 38-1-2.

“(b) A license to practice optometry shall not be required for the sale, preparation, or dispensing of eyeglasses or spectacles in a retail optical dispensary or from a store, shop, or other permanently established place of business with an optical department on prescription of a duly licensed physician skilled in diseases of the eyes or a duly licensed optometrist authorized to practice under the laws of this state. Contact lenses may be sold or dispensed in a retail optical dispensary or other permanently established place of business with an optical department only when authorized by an optometrist or ophthalmologist, the prescription therefor contains all necessary data, and the prescription has not expired. This section shall not be construed as authorizing any optician or other person selling eyeglasses or contact lenses on prescription as authorized above to use any instrumentation or determine any data by performing any type of examination or corneal evaluation necessary for the fitting of contact lenses or to use any drugs in relation thereto.

“(c) Nothing in this chapter shall apply in any way to any licensed physician, nor to any physician assistant or ophthalmic assistant program conducted under any accredited state university program, nor to any physician’s assistant as defined in section 34-24-292. Nothing in this chapter shall be construed as preventing an ophthalmologist from using assistants normally used in his or her practice under his or her direct personal supervision in the office in which the ophthalmologist normally actually practices his or her profession and nowhere else.”

“§34-22-20.

“(a) Every person desiring to commence the practice of optometry in this state shall be 19 years of age, or over, be a citizen of the

United States and of good moral character. The person shall have a preliminary education of at least four years of high school or the equivalent and be a graduate thereof, have a minimum of three years of preoptometry, or the equivalent thereof, at an accredited college or university, have completed a course of study in an accredited school or college of optometry which is approved by the board and that requires at least four years of professional study, and, after the completion of the education, pass the standard examination prescribed by the board. The standard examination shall consist of tests in practical, theoretical, and physiological optics, in theoretical and practical optometry, orthoptics, ocular anatomy, physiology, pharmacology, pathology, general anatomy, hygiene, and any other knowledge the board deems essential to the practice of optometry. The standard examination shall be consistent with the established teaching and recognized textbooks of accredited schools or colleges of optometry.

“(b) The application to take the standard examination shall be upon the form prescribed and furnished by the board and verified by the oath of the applicant, accompanied by a fee to be determined by the board. The fee shall not be more than two hundred and fifty dollars (\$250).

“(c) The examination shall be held at least once in each year if there are any candidates for examination who have applied to the board for examination at least 30 days before the date affixed for the holding of the examination.

“(d) When the application and accompanying proof are found satisfactory, the board shall notify the applicants to appear before it for examination at a time and place fixed by the board. Those found qualified by the board shall be granted a license and a license certificate, which shall bear a serial number, the full name of the licensee, the date of issuance, and the seal of the board, and shall be signed by the president and secretary of the board. The board may grant a temporary license under the circumstances and conditions, and in the form, as may be prescribed by rules and regulations of the board.

“(e) Every license, whether permanent or temporary, issued and every annual registration certificate shall be in the possession of the optometrist to whom it was issued and posted in the office he or she practices.

“(f) Those persons who hold valid licenses to practice optometry in the state of Alabama on October 10, 1975, shall continue to be so licensed after October 10, 1975, subject to this chapter, regardless of whether they are otherwise qualified to secure a license under this chapter.”

“§34-22-40.

“(a) In order to accomplish the purposes and to provide for the enforcement of this chapter, there is created the Alabama board of optometry. The board may implement and enforce this chapter. On October 10, 1975, the state board of optometry as then constituted shall be abolished, but the members thereof shall serve as members of the Alabama board of optometry created by this section and shall continue to serve until their present terms of appointment expire, as set out below. Until October 1, 1992, the Alabama board of optometry shall consist of five persons, no two of whom shall reside in the same U.S. Congressional district. On October 1, 1993, two additional members shall be appointed to the board. The board shall then be composed of seven members, one from each United States Congressional District as follows:

“The members shall be persons licensed to practice optometry in this state, each of whom shall be a resident of this state, who shall have been actively engaged in the practice of optometry for at least five years next preceding the date of their appointment. The term of one member of the board shall expire October 1, 1975, and every fifth year thereafter; the term of one member shall expire October 1, 1976, and every fifth year thereafter; the term of one member shall expire October 1, 1977, and every fifth year thereafter; the term of one member shall expire October 1, 1978, and every fifth year thereafter; the term of one member shall expire October 1, 1979, and every fifth year thereafter; the term of two additional members shall begin on October 1, 1993, and expire October 1, 1998, and every fifth year thereafter. Each member of the board shall be appointed by the governor from a list of five names of qualified persons certified to him or her by the board.

“(b) When the term of any member of the board expires, that person shall continue to serve until his or her successor is appointed and qualified.

“(c) For the purpose of preparing the list of five names, the board shall conduct an annual meeting at least 30 days prior to October 1 of each year, at which all optometrists licensed to practice and holding a current annual registration certificate pursuant to this chapter may attend, nominate, and vote. The board may regulate and prescribe the place and hour of the meeting, the method of nomination, and the manner of voting. Each optometrist in attendance may vote for those persons duly nominated, and no cumulative or proxy voting shall be permitted. Each optometrist voting shall vote for five nominees in order for his ballot to be valid, and any ballot indicating votes for more or less than five nominees shall be null and void. The five persons receiving the greatest number of votes of those in attendance at the meeting

shall be the five persons whose names shall be certified to the governor for appointment to the board, without substitution. In order for a person to withdraw from the list, the person must do so in writing and present it to the secretary of the board prior to the submission of the list to the governor, after eliminating the person withdrawing from the list, and the list shall be composed solely of those names remaining. At least 30 days prior to the meeting the board shall mail notices to each optometrist licensed to practice and holding a current annual registration certificate pursuant to this chapter at the address shown on his or her current registration notifying each optometrist of the exact date, place, and hour of the meeting, the purpose of the meeting, and of the right to attend and vote. In the event of a vacancy prior to the next annual meeting, the governor shall fill the vacancy from the remaining names on the list. The governor may remove any member for neglect of duty, incompetency, improper or unprofessional conduct, or having his or her license revoked or suspended.

“(d) Effective October 1, 1984, no person may serve more than two consecutive terms on the board. Time served on the board prior to October 1, 1984, shall not count toward this limitation.”

“§34-22-41. “(a) The board shall choose annually one of its members as president, one as vice-president, and one as secretary-treasurer, who each may administer oaths and take affidavits, certifying thereto under their hand and the common seal of the board.

“(b) The board shall meet at least once in each year in the city of Montgomery or in a place designated by the president and, in addition thereto, whenever and wherever the president thereof calls a meeting. A majority of the board shall at all times constitute a quorum. The secretary of the board shall keep a full record of the proceedings of the board, which shall at all reasonable times be open to public inspection.

“(c) Each member of the board shall be reimbursed at the same per diem and travel allowance amounts paid by law to state employees for each day's attendance upon the business of the board and, in addition thereto, the sum of one hundred twenty-five dollars (\$125) per diem for each day actually spent by each member upon the business of the board. All expenses and per diem shall be paid out of the receipts of the board under this chapter. The secretary shall receive compensation as fixed by the board and shall be the custodian of all records and the official seal of the board.

“(d) All money received by the board shall be deposited to the credit of the board in a bank selected by its members for the use of the board, and the execution and enforcement of this chapter and

the payments of salaries, expenses, and other authorized costs shall be paid by checks drawn by the treasurer and countersigned by the president of the board.

“(e) The president and treasurer shall give such bonds as the board from time to time directs.

“(f) The board shall make an annual report of its proceedings to the governor on the first Monday of January of each year.”

“§34-22-42.

“The board shall exercise and perform, subject to this chapter, each of the following powers and duties:

“(1) Conduct examinations at least once each year to ascertain the qualifications and fitness of applicants for licenses to practice optometry.

“(2) Prescribe rules and regulations for conducting and administering an examination of applicants for licensing as optometrists and to effectuate this chapter.

“(3) Institute, upon a complaint or petition, but not upon its own motion, complaint, or petition, hearings of charges against licensed optometrists as provided in this chapter.

“(4) Institute legal proceedings for violations of this chapter.

“(5) Grant and deny licenses in conformity with this chapter.

“(6) Formulate rules and regulations by which the board shall determine which optometry schools and colleges in or out of the state of Alabama have been duly accredited by a recognized and properly authorized accrediting agency and which accredited schools or colleges shall be approved by the board.

“(7) Establish standards of continuing education which shall be deemed a requisite to the renewal of licenses of applicants who are otherwise qualified to practice optometry in the state of Alabama.

“(8) Keep a register of optometrists containing the names and addresses of all persons to whom license certificates, temporary licenses, and limited licenses have been issued in the state of Alabama, the date of the issuance, the place or places of business in which each optometrist is engaged, and all renewals, revocations, and suspensions, of licenses and certification.

“(9) Administer oaths and affirmations of witnesses, issue subpoenas to compel the attendance of witnesses and the production of all necessary papers, books, records, documentary evidence, and materials in any hearing, investigation or other proceeding before the board.

“(10) Employ or appoint an executive director, clerical personnel and legal advisors or counsel to assist in implementing this chapter when there is a need for those services and when funds are available for those purposes. The executive director may be a licensed optometrist in this state, but may not, while serving as the executive director, also serve as a member of the board of optometry. The executive director shall not be subject to the state merit system.

“(11) Prescribe rules and regulations establishing a program of internship as a requisite to application for license, if the board deems such a program advisable.

“(12) Prescribe rules and regulations establishing circumstances and conditions upon which temporary licenses may be issued by the board and the terms and conditions of such temporary licenses.”

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 6, 1993

Time: 4:34 P.M.

Act No. 93-154

H. 214 – Reps. Hogan, Box, Kvalheim
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Physical Therapy with certain modifications; to amend Section 34-24-194, Code of Alabama 1975, so as to authorize, rather than require, the revocation by the board of a license for certain violations of board licenses.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Board of Physical

Therapy, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the Board of Physical Therapy, created and functioning pursuant to Sections 34-24-190 to 34-24-217, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 34-24-194 of the Code of Alabama 1975, are amended to read as follows:

“§34-24-194.

“(a) Any person may file a complaint with the board against any registered physical therapist or licensed physical therapist assistant in the state charging the person with a violation of this article. The complaint shall set forth specifications of charges in sufficient detail to disclose to the accused fully and completely the alleged acts of misconduct for which he or she is charged. When a complaint is filed, the secretary of the board shall mail a copy thereof to the accused by registered mail at his or her address of record, with a written notice of the time and place of a hearing of the complaint, advising the accused that he or she may be present in person and by counsel if he or she so desires to offer testimony and evidence in his or her defense.

“(b) The board may issue subpoenas and to compel the attendance of any witness or the production of any book, writing, or other documentation in the possession, custody, or control of any person. Any person refusing to produce any book, writing, or other documentation or to appear to testify, without legal excuse, at a hearing of the board, after having been served with a subpoena issued by the board requiring the person to appear, produce any book, writing, or other form of documentation or testify at the hearing, shall be guilty of contempt. Upon certification of the act of contempt by the board to the judge of the circuit court in whose jurisdiction the hearing is held or is to be held, the judge shall punish the contempt as though committed before the judge. The accused party shall, on application to the board, be furnished by the board with a subpoena for any witness in his or her behalf or for the production of any book, writing, or other documentation to be used in his or her behalf at the hearing.

“(c) At the hearing, the board shall receive evidence upon the subject matter under consideration and shall accord the accused person a full and fair opportunity to be heard in his or her defense. The board shall not be bound by strict or technical rules of evidence, but shall consider all evidence fully and fairly except, that all oral testimony considered by the board must be under oath. If the board is convinced that the registered physical therapist or the

licensed physical therapist assistant has violated this article, it may revoke his or her license.

“(d) The action of the board in revoking or refusing to issue a license may be reviewed by the circuit court of Montgomery county by a writ of mandamus, accompanied by a bond to be approved by the court, to determine whether the board acted arbitrarily, capriciously or illegally. The review procedure provided in this subsection shall not suspend the action of the board in the revocation or refusal of a license.”

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 6, 1993

Time: 4:35 P.M.

Act No. 93-155

H. 215 – Reps. Kvalheim, Box, Hogan
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama State Board of Veterinary Medical Examiners with certain modifications; to amend Section 34-29-69, Code of Alabama 1975, so as to authorize the board to regulate by rule and regulation the advertising or solicitation of veterinary services by its licensees.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Alabama State Board of Veterinary Medical Examiners, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the Alabama State Board of Veterinary Medical Examiners, created and functioning pursuant to Sections 34-29-60 to 34-29-94, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 34-29-69 of the Code of Alabama 1975, is amended to read as follows:

“§34-29-69.

“The board shall be a body corporate and shall have the power to:

“(1) Examine and determine the qualifications and fitness of applicants for a license to practice veterinary medicine in the state.

“(2) Issue, renew, deny, suspend, and revoke temporary and permanent licenses, and to issue private reprimands and private informed admonitions to practitioners of veterinary medicine in this state, or otherwise discipline or censure licensed veterinarians consistent with this article.

“(3) Conduct investigations for the purpose of discovering violations of this article or grounds for disciplining licensed veterinarians pursuant to board rules and bylaws and appoint individuals and committees to assist in the investigations.

“(4) Have a common seal and act as a corporate body with the right to sue and be sued, hold hearings, subpoena witnesses, and take testimony bearing on the records of applicants for licensing to practice veterinary medicine and surgery in Alabama and on the records of practitioners who may be under consideration by the board for charges of misconduct.

“(5) Employ full-time or part-time personnel, including an executive secretary as previously provided, professional, clerical, or special personnel as necessary to effectuate this article and to purchase or rent necessary office space, equipment, and supplies.

“(6) Appoint from its own membership one or more members to act as representatives of the board at any meeting in or out of the state when representation is deemed desirable. A delegate from the board shall attend the annual meeting of the American Association of Veterinary Examiners and his or her expenses shall be paid by the board.

“(7) Adopt, amend, or repeal all rules necessary for its government and all regulations necessary to carry into effect the provisions of this article, including, but not limited to, the establishment and publication of rules of professional conduct for the practice of veterinary medicine and rules prohibiting fraudulent or misleading advertisements or solicitations by licensees of the board to the general public. These regulations shall be known as the Alabama state board of veterinary medicine rules and bylaws. They shall be published and distributed to all licensed Alabama

veterinarians and to all applicants for licensing. Any proposed changes to these rules and bylaws shall be published in the official newsletter of the Alabama Veterinary Medical Association or mailed to all Alabama licensed veterinarians. Any Alabama licensed veterinarian opposing a proposed change may request a hearing within 10 days following publication or notification.

“(8) To fix minimum standards for continuing veterinary medical education. Compliance with these standards shall be a condition precedent to the renewal of a license under this article.

(9) To inspect any hospitals, clinics, satellites, outpatient clinics, mobile clinics, or other places utilized by any practicing veterinarian. An inspection shall be made by the board’s authorized representative(s). The inspection shall be for the purpose of reporting such inspection to the board on a form prescribed by the board or for seeking disciplinary action in cases of violation or practice of unreasonable health or sanitary regulations duly established and published by the board or other duly constituted state authorities having jurisdiction in such matters.

“(10) To provide special registration for animal technicians, and if desired, veterinary interns and veterinary student preceptees and to adopt regulations concerning the training, legislation, and service limits of those persons while employed by and acting under the supervision and responsibilities of licensed veterinarians. The board shall have exclusive jurisdiction in determining eligibility and qualification requirements and in granting or refusing to grant or to suspend or revoke registration. Any suspension or revocation of a special registration issued under this section shall be conducted pursuant to the Code of Alabama 1975.

“(11) Establish and publish annually a schedule of fees for the issuance and renewal of a license or registration for veterinarians and veterinary technicians pursuant to this article.

“(12) Authorize any member of the board to sign complaints for the bringing of proceedings in courts for the enforcement of this article.

(13) To act as a corporate board or as an individual member of the board to prosecute in court on an action quo warranto, injunction, or any other proper suit to oust from practice unlawful practitioners and to assist the attorney general or any other prosecutor for criminal violations of this article.

“(14) For disciplinary purposes, to adopt, levy, and collect administrative fines for noncompliance by its licensees of this chapter, or rules of the board, of not less than two hundred fifty dollars (\$250), nor more than one thousand dollars (\$1,000) per

violation, and to institute any legal proceedings necessary to effect compliance with this chapter.”

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act, including but limited to, are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 6, 1993

Time: 4:36 P.M.

Act No. 93-156

H. 217 – Reps. Hogan, Box, Kvalheim
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Podiatry with certain modifications; to amend Sections 34-24-250 and 34-24-252, Code of Alabama 1975, so as to require one black member on the board and authorize the board to hire an executive secretary.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Board of Podiatry, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the Board of Podiatry, created and functioning pursuant to Sections 34-24-250 to 34-24-276, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 34-24-250 and 34-24-252 of the Code of Alabama 1975, are amended to read as follows:

“§34-24-250.

“(a) The governor of Alabama shall appoint a state board of podiatry consisting of seven persons, each of whom shall be a citizen

of the United States and of Alabama, over the age of 25, and shall have been engaged in the actual continuous practice of podiatry in the state of Alabama for at least five years next preceding his appointment. One member of said board shall be appointed each year, with the exception of three members being appointed every fifth year starting in 1979, for terms of five years and until their successors are appointed and qualified. No member of the board shall be reappointed for a successive term; previous board members will be eligible for nonsuccessive appointments. The governor may remove from office at any time any member of the board for neglect of duty, incompetency, improper or unprofessional conduct or when the license or certificate of any member has been suspended or revoked. Vacancies on said board shall be filled by appointment by the governor in the manner hereinbefore provided. The governor shall furnish each member of said board at the time of his appointment a certificate of appointment, and said appointee shall qualify by taking the usual oath of office before the judge of probate of his home county within 15 days from the date of his appointment.

“(b) After the effective date of the act amending this section, each vacant office occurring shall be first offered to each available black licensee until a black member is appointed to the board. When a black member is appointed to the board, thereafter appointments shall be made in such a manner as to ensure at least one black member on the board at all times.

“§34-24-252.

“The state board of podiatry shall be the certifying board for podiatrists and shall have the exclusive power and authority to certify and to issue, suspend, revoke, and reinstate all licenses or certificates authorizing the licensee to practice podiatry in the state of Alabama, and shall have the following authorities and shall perform the following duties:

“(1) To promulgate any rules and regulations for its government as it may deem necessary and proper; and for purposes of disciplining its licensees, in addition to any other powers of the board, the board may adopt and collect administrative fines, not to exceed one thousand dollars (\$1,000) per violation, and may institute any legal proceedings necessary to effect compliance with this chapter.

“(2) To provide a standard of efficiency as to the moral, educational, and experience qualifications and fitness for all persons who desire to practice podiatry in this state.

“(3) To elect annually one of its members as president, one as vice-president, and one as secretary-treasurer, who shall hold

their respective offices for one year and until their successors are elected and qualified. If a vacancy occurs in either of the three offices, a special meeting of the board shall be called for the purpose of filling the vacancy for the unexpired term.

“(4) To administer any oaths and take any affidavits as are required by this article, certifying thereto under its hand and the seal of the board.

“(5) To assist in the prosecution of violations of this article.

“(6) To appoint or employ a legal adviser or counsel, when deemed necessary, whose compensation shall be fixed by the board and paid in the same manner as the per diem and expenses of the board are paid.

“(7) To adopt a common seal to be affixed to its official documents.

“(8) To keep a record of its proceedings, a register of persons licensed as podiatrists, and a register of licenses and certificates by it revoked.

“(9) To annually, on or before January 1, make a report to the governor of Alabama of all its official acts during the preceding year, of its receipts and disbursements, a full and complete report of the condition of podiatry and the practice in this state, and to file duplicate copies of the report with the secretary of state, the state auditor, and the Alabama department of archives and history.

“(10) To employ, when deemed necessary and without regard to the state merit system, and set the salary of, an executive secretary who shall serve at the pleasure of the board and shall administer board policy. The executive secretary may be a licensee or member of the board.”

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 6, 1993

Time: 4:37 P.M.

Act No. 93-157

H. 581 – Rep. Freeman

AN ACT

To alter and rearrange the boundary lines and corporate limits of the City of Huntsville in Madison County to remove certain property from the corporate limits of the city.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Huntsville in Madison County are altered and rearranged to remove from the corporate limits of the municipality all of the following territory:

Tract I

All that part of Section 1, the Southeast quarter of Section 2, and the Northeast quarter of Section II and the Northwest quarter of Section 12 all in Township 3 South Range 1 East, Madison County, Alabama, more particularly described as follows: Beginning at a point on the quarter section line 9.00 chains east from the center of Section 11, Township 3, Range 1 East; thence North 60.60 chains to the center of the Old Bell Factory Road; thence along the center of said road North 67 degrees east 63.50 chains to an angle in said road; thence continue in said road south 86 1/4 degrees East 16 chains to the center of Flint River; thence down the center of Flint River as it meanders as follows: South 11 1/4 degrees East 8.91 chains; south 7-3/4 degrees West 20.07 chains; South 21-3/4 degrees West 7.69 chains; South 41 1/4 degrees West 1.60 chains to the intersection of the center of said river with the North and South quarter section line of Section 1, which point is 32.15 chains South from the center of said Section 1, thence continue South on said line 8.07 chains to the center of the south boundary of said Section; thence with the section line west 7.15 chains to the center of Flint River; thence down said river as it meanders as follows: South 33 1/2 degrees West 32.50 chains; South 83 degrees West 14.60 chains to the intersection of the center of said river with the West boundary of Section 12, which point is 29.25 chains South from the Northwest corner of said Section; thence with the section line South 10.98 chains to the center of the west boundary of said Section 12; thence along the quarter section West 31.50 chains to the southeast corner of lands formerly owned by Samuel Douglass, which is the point of beginning and containing a total area in all of the lands above described of 454.49 acres, EXCEPTING THEREFROM: A tract in the Southeast corner of the northeast quarter of Section 11, Township 3 South, Range 1 East, containing 2 acres, which was sold by John L. Farris to Dr. William F. Jordan, March 1, 1883, as

of record in the office of the Judge of Probate of Madison County, Alabama, in deed Book KKK, page 360, leaving a net area of 452.49 acres, more or less.

AND ALSO:

A tract located in the southeast quarter of Section 2, and the northeast quarter of Section 11, Township 3 South, Range 1 East, Madison County, Alabama, lying adjacent to and immediately west of the above described tract which is particularly described as beginning at a stake in the center of Section 11, Township 3, Range 1 East; thence east 9 chains to a stake; thence north 60 chains in the center of the Old Bell Factory Road; thence South 71 degrees west along the center line of said Old Bell Factory Road 9.85 chains to a point on the west boundary of the southeast quarter of Section 2, Township 3 South, Range 1 East, thence south along the west boundary of the southeast quarter of said Section 2, Township 3 South, Range 1 East and along the west boundary of the northeast quarter of Section 11, Township 3 South, Range 1 East, 56.1 chains, more or less, to the place of beginning and containing 52.75 acres more or less.

The above described tracts contain a net area in the aggregate of 505.24 acres, and are the same lands as conveyed in Tract 1 and Tract 2 of the description contained in a deed from Augustine W. White, Jr., et al, to James M. White on the 10th day of May, 1956, which instrument is of record in Deed book 235, page 306, in the Probate Records of Madison County, Alabama. LESS AND EXCEPT THE FOLLOWING: All that part of the southwest quarter of Section 1 and the southeast quarter of Section 2, Township 3 South, Range 1 East, Madison County, Alabama; particularly described as beginning at a point on the south margin of Old Bell Factory Road; said point being located south 0 degrees 50 minutes east 217.0 feet, North 67 degrees 00 minutes East 2390.2 feet and south 4 degrees 05 minutes East 44.03 feet from the center of the west boundary of the southeast quarter of said Section 2; thence from the place of beginning north 67 degrees 00 minutes East along the south margin of Old Bell Factory Road a distance of 565.3 feet; thence south 4 degrees 05 minutes East 855.3 feet; thence south 85 degrees 55 minutes West 534.77 feet; thence North 4 degrees 05 minutes west 672.0 feet to the place of beginning and containing 9.37 acres, more or less.

AND ALSO:

LESS AND EXCEPT that portion of the southeast quarter of the southwest quarter of Section 1, Township 3 South, Range 1 East, lying South and east of Flint River, containing 2 acres, more or less, and that portion of the Southeast quarter of the Northeast quarter of Section 11, Township 3 South, Range 1 East, lying South and East of Flint River not hereinabove excepted, containing 3 acres, more or less.

AND ALSO:

LESS AND EXCEPT All that part of Section 2, Township 3 South, Range 1 East, Madison County, Alabama, more particularly described as beginning at a point that is located North 0 degrees 20 minutes 05 seconds East 109.70 feet and Due East 40.00 feet from the center of the South boundary of said Section 2, said point of beginning is further described as being on the East right-of-way of Homer Nance Road; Thence along the East right-of-way of said Homer Nance Road North 00 degrees 20 minutes 05 seconds East 205.00 feet and North 00 degrees 25 minutes 07 seconds West 205.00 feet; Thence leaving said East right-of-way of Homer Nance Road the following bearings and distances, North 06 degrees, 16 minutes 16 seconds East 108.67 feet, North 53 degrees 18 minutes 40 seconds East 397.47 feet, North 02 degrees 49 minutes 10 seconds East 182.07 feet, North 85 degrees 57 minutes 29 seconds East 530.00 feet, South 04 degrees 02 minutes 31 seconds East 410.00 feet, South 85 degrees 57 minutes 29 seconds West 550.00 feet, South 51 degrees 50 minutes 24 seconds West 370.38 feet, South 00 degrees 20 minutes 05 seconds West 38.06 feet and due West 325.00 feet to the point of TRUE BEGINNING and containing 11.0701 acres, more or less.

AND ALSO:

LESS AND EXCEPT:

All that part of Section 2 and Section 11, Township 3 South, Range 1 East, Madison County, Alabama, more particularly described as beginning at a point that is located North 00 degrees 20 minutes 05 seconds East 109.70 feet from the center of the South boundary of said section 2, and the center of the North boundary of said section 11. Thence South 90 degrees 00 minutes 00 seconds East 365.00 feet; thence North 00 degrees 20 minutes 05 seconds East 38.06 feet; thence North 51 degrees 50 minutes 24 seconds East 370.38 feet; thence North 07 degrees 57 minutes 29 seconds East 550.00 feet; thence South 04 degrees 02 minutes 31 seconds East 410.00 feet; thence 87 degrees 57 minutes 29 seconds West 390.00 feet; thence South 51 degrees 50 minutes 24 seconds West 345.74 feet; thence North 90 degrees 00 minutes 00 seconds West 270.44 feet; thence North 00 degrees 20 minutes 05 seconds East 20.00 feet; thence North 90 degrees 00 minutes 00 seconds West 305.00 feet; Thence North 00 degrees 20 minutes 05 seconds East 330.00 feet to the point of true beginning and containing 11.71 acres , more or less.

AND ALSO:

LESS AND EXCEPT:

All that part of Section 11, Township 3 South, Range 1 East, Madison County, Alabama, and being more particularly described

as commencing at a point which is located South 00 degrees 20 minutes 05 seconds West 220.30 feet; and due East 40.00 feet from the center of the North boundary of said Section 11. Thence South 90 degrees East 265.00 feet; thence South 00 degrees 20 minutes West 20.00 feet; thence South 90 degrees 00 minutes 24 seconds East 270.44 feet; thence North 51 degrees 50 minutes 24 seconds East 345.74 feet; thence North 87 degrees 57 minutes 29 seconds East 390.00 feet; thence South 04 degrees 02 minutes 32 seconds East 410.00 feet; thence South 07 degrees 57 minutes 29 seconds West 270.28 feet; thence South 51 degrees 50 minutes 24 seconds West 321.91 feet; thence North 90 degrees west 321.90 feet; thence North 00 degrees 20 minutes 05 seconds East 410.00 feet to the true point of beginning and containing 11.92 acres, more or less.

AND ALSO:

LESS AND EXCEPT:

All that part of Section 2 , Township 3 South, Range 1 East, Madison County, Alabama, more particularly described as beginning at a point which is located North 00 degrees 20 minutes 05 seconds East 109.70 feet, and Due East 40.00 feet, North 00 degrees 20 minutes 05 seconds East 205.00 feet and North 00 degrees 25 minutes 07 seconds West 205.00 feet from the center of the South Boundary of said Section 2, said point of beginning is further described as being the Northwest corner of Lot 18, Block 1 of the Plat of Horace Heights Subdivision as recorded in Plat book 16, page 56, Probate Records of Madison County, Alabama. Thence due West 40.00 feet to a point on the Quarter section line and in Homer Nance Road; Thence along the quarter section line and along Homer Nance Road, North 00 degrees 25 minutes 07 seconds West 542.00 feet to a point in the center of Mt. Carmel (Old Bell Factory) Road extended; thence along Mt. Carmel (Old Bell Factory) Road, North 67 degrees 46 minutes 19 seconds East 1653.46 feet; thence leaving the center of said road, South 04 degrees 02 minutes 32 seconds East 1877.66 feet; Thence South 89 degrees 27 minutes 28 seconds West 410.77 feet to a point on the East boundary of Horace Heights Subdivision Phase III, as recorded in Plat book 18, page 15, Madison County Probate Records; Thence North 04 degrees 02 minutes, 32 seconds West 1019.19 feet to the Northeast corner of Horace Heights Subdivision, as recorded in Plat book 16, page 56, Madison County Probate Records; Thence along the Northerly boundary of said subdivision the following bearings and distances, South 85 degrees 57 minutes 29 seconds West 530.00 feet, South 82 degrees 49 minutes 10 seconds West 182.07 feet, South 53 degrees 18 minutes 42 seconds West 397.46 feet, and South 86 degrees 16 minutes 10 seconds West 108.66 feet to the True Point of Beginning and containing 32.18 acres more or less.

TRACT II

All that part of the Southwest quarter of Section 1 and the Southeast quarter of Section 2, Township 3 South, Range 1 East, Madison County, Alabama, particularly described as beginning at a point on the South margin of Old Bell Factory Road, said point being located South 0 degrees 50 minutes East 217.0 feet, North 67 degrees 00 minutes East 2390.2 feet and South 4 degrees 05 minutes East 44.03 feet from the center of the West boundary of the Southeast quarter of said Section 2; thence from the place of beginning North 67 degrees 00 minutes East along the South margin of Old Bell Factory Road a distance of 565.3 feet; thence South 4 degrees 05 minutes East 855.3 feet; thence South 85 degrees 55 minutes West 534.77 feet; thence North 4 degrees 05 minutes West 672.0 feet to the place of beginning and containing 9.37 acres, more or less.

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, as amended, a map showing what territory is proposed to be removed from the City of Huntsville is on file in the office of the Judge of Probate in Madison County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 6, 1993

Time: 4:40 P.M.

Act No. 93-158

H.J.R. 230 – Reps. Williams, Holley

HOUSE JOINT RESOLUTION

ENCOURAGING THE UNITED STATES DEPARTMENT OF DEFENSE TO CONSOLIDATE ALL HELICOPTER TRAINING TO FORT RUCKER ARMY BASE.

WHEREAS, the United States Department of Defense is faced with budget reductions and needs to consolidate training programs when feasible; and

WHEREAS, the housing, maintenance, expertise, and other resources of Fort Rucker Army Base in Dale County, Alabama,

makes it an ideal facility for the consolidation of helicopter training programs for the United States Armed Forces; and

WHEREAS, Fort Rucker has for some time provided helicopter training for all branches of the Armed Forces except the United States Navy, as well as primary helicopter training for approximately 70 countries of the world; and

WHEREAS, a consolidation would generate millions of dollars of savings to the federal government; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we strongly encourage the United States Department of Defense to consolidate the helicopter training programs of all branches of the Armed Forces to Fort Rucker Army Base.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to President Clinton, Secretary of Defense Aspin, and the Chairman and Joint Chiefs of Staff.

Approved April 13, 1993

Time: 12:30 P.M.

Act No. 93-159

H. 212 – Reps. Kvalheim, Box, Hogan

AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Board of Dental Examiners with certain modifications; to amend Sections 34-9-8, 34-9-15, 34-9-16, 34-9-27, 34-9-40, 34-9-43, 34-9-63, and 34-9-64, Code of Alabama 1975, so as to increase certain fees related to dentistry and dental hygiene; clarify the process of issuing dental teaching permits; authorize use of the title registered dental hygienist; express intent that the board include a black member; require the board to publish a list of licensees at certain times; and provide for the issuance of permits for the practice of parenteral sedation.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Board of Dental Examiners, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the Board of Dental Examiners, created and functioning pursuant to Sections 34-9-40 to 34-9-65, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 34-9-8, 34-9-15, 34-9-16, 34-9-27, 34-9-40, 34-9-43, 34-9-63, and 34-9-64 of the Code of Alabama 1975, are amended to read as follows:

“§34-9-8.

“The board shall annually issue teaching permits to persons who are bona fide members of the faculty of a dental college, if they hold a dental degree but are not licensed and registered to practice dentistry or dental hygiene in the state. The dean of any dental college located in the state shall annually certify to the board the bona fide members of the clinical faculty of the college who are not licensed and registered to practice dentistry or dental hygiene in the state. The board shall issue teaching permits to applicants upon the certification by the dean. The teaching permits shall be invalid if the holder ceases to be a member of the clinical faculty of the dental college. The dean of any dental college shall promptly notify the board regarding changes in the faculty which affect the eligibility of a faculty member to possess a teaching permit. The holder of a teaching permit shall be subject to this chapter and may perform all clinical operations which a person licensed to practice dentistry or dental hygiene in the state is entitled to perform. The operations may only be performed within the facilities of the dental college and as an adjunct to his or her teaching functions in the college. An annual fee established pursuant to this chapter shall be paid to the board when the teaching permit is issued.

“§34-9-15.

“(a) No person shall practice dentistry in the state of Alabama unless licensed by the board and registered annually as required by this chapter. The secretary-treasurer of the board shall mail to each licensee an initial registration form which shall contain space for the insertion of name, address, date, and number of license certificate, and other information as the board shall deem necessary. The licensee shall sign and verify the accuracy of the registration before a notary public after which he or she shall forward the registration to the secretary-treasurer of the board together with a fee established by the board pursuant to this chapter. Each subsequent registration shall be made upon the form as above prescribed except that it need not be verified. On or before October 1 of each year, every dentist licensed to practice dentistry in the state shall transmit to the secretary-treasurer of the board the completed form prescribed by the board, together with a fee established by the board pursuant to this chapter, and receive therefor the current annual registration certificate authorizing him or her to continue the practice of dentistry in the state for a period of one year. Any license and license certificate previously granted under

the authority of this chapter or any prior dental practice act shall automatically be suspended if the holder thereof fails to secure the annual registration certificate herein provided for before January 1, each year. Any dentist whose license is automatically suspended by reason of failure, neglect, or refusal to secure the annual registration certificate shall be reinstated by the board upon payment of the penalty fee of \$25.00 plus all accrued annual registration fees up to a maximum of five years, accompanied with the prescribed form for annual registration of the license. Upon failure of any licensee to file application for the annual registration certificate and pay the annual registration fee on or before November 30, each year, the board shall notify the licensee by registered or certified mail addressed to the last address of record that the application and fee have not been received and that, unless the application and fee are received on or before the first day of January, the license and license certificate shall be automatically suspended. The board shall notify the licensee by registered or certified mail addressed to the last address of record of the effective date of the automatic suspension and the provisions for registration of the license. The board shall waive the annual payment of fees herein provided for and issue a current annual registration certificate to any licensee who, because of age or physical disability, has retired from the practice of dentistry or who is suffering a malady of a lingering or permanent nature. The board by rule shall waive annual registration and the payment of fees while any licensee is on temporary active duty with any of the armed forces of the United States. The waiver of fees herein provided shall be effective so long as said retirement because of age or physical disability or temporary active duty continues.

“(b) The board shall adopt, promulgate rules and regulations for the adoption of a program of continuing education for its licensees by October 1, 1991. After that date, the successful completion of continuing education program requirements shall be a requisite for renewal of licenses issued pursuant to this chapter.

“§34-9-16.

“The board shall collect fees provided for in this chapter as follows:

“Examination fee for dental applicants, to be fixed by the board\$25 to \$200

“Examination fee for dental applicants under reciprocal agreements\$50 to \$100

“Examination and training permit fee for dental hygienists\$20 to \$180

"Education fee for student hygienists in Alabama dental hygiene program	\$75 to \$200
"License certificate fee	\$20
"Duplicate license certificate fee	\$20
"Annual registration certificate fee	\$10 to \$100
"Duplicate annual registration certificate fee.	\$1
"Teaching permit	up to \$150
"§34-9-27.	

"A dental hygienist shall work only under the direct supervision of a duly licensed dentist practicing in this state. Dental hygienists may take, develop and mount oral X-rays; remove calcareous deposits, accretions or stains from the teeth, perform any intra-oral procedures allowed by rule or regulation of the board of dental examiners of Alabama and assist a licensed dentist in his or her practice. Any person licensed by the board under this section who has completed the curriculum for dental hygienists at a dental school approved by the board shall have the right to use the title registered dental hygienist or the abbreviations thereof, "R.D.H." appended to his or her name signifying the license conferred. The board may impose any of the penalties outlined in section 34-9-18 against any dentist who shall permit any dental hygienist working under his or her supervision to perform any operation other than those permitted under the provisions of this section, and may impose the penalties outlined in said section 34-9-18 against any dental hygienist who shall perform any operation other than those permitted under this section.

"§34-9-40.

"In order to accomplish the purposes and to provide for the enforcement of this chapter, there is hereby created the board of dental examiners of Alabama. The board is hereby vested with the authority to carry out the purposes and enforce the provisions of this chapter. On June 24, 1959, the members of the present board of dental examiners now in existence shall hold office for the remainder of their respective terms for which they have been elected and thereafter until their successors are elected and qualified and shall constitute the board of dental examiners of Alabama under this chapter. The board of dental examiners of Alabama shall consist of five dentists who shall have been actively engaged in the practice of dentistry in the state of Alabama for at least five years next preceding the date of their election. No member of the board shall be a member of the faculty of any dental school or dental college or receive any financial benefits for teaching in any dental

school or dental college or have a financial interest in a commercial dental laboratory or a dental supply business. All elections shall be conducted by the board. Any group of 10 or more licensed dentists, residing and practicing dentistry in the state of Alabama, may nominate a candidate for the office of board of dental examiner by submitting a petition bearing their signatures to the secretary of the board not later than the first day of July in the year of such election. The board shall cause the election ballots to be mailed not later than September 1 in the year of the election to all the licensed dentists residing and practicing in the state of Alabama and currently registered as prescribed by law, along with the annual registration form for the forthcoming fiscal year. Both annual registration form and ballot shall be returned to the secretary of the board on or before October 1 each year, ballots being nullified unless accompanied by completed annual registration form and annual registration fee. Three members of the board shall be present at the canvassing of the ballots. Any candidate receiving a majority of the votes shall be declared elected to the board of dental examiners of Alabama and will take the oath of office on or before October 15 in the year of his or her election. In the event no candidate receives a majority of the votes cast, the board shall conduct a run-off election between the two candidates receiving the largest number of votes. The board shall cause the ballots pertaining to the run-off election to be mailed on or before October 15 of the election year to all the licensed dentists residing and practicing in the state of Alabama and currently registered as prescribed by law, and the ballots pertaining to the run-off election shall be received by the secretary of the board on or before the first day of November in the year of such run-off election. Each member so elected shall hold office for a period of five years, which terms shall begin immediately upon taking an oath to properly and faithfully discharge the duties of his or her office and until his or her successor is elected and qualified, and said member so elected shall not at the expiration of the said term be eligible to succeed himself or herself. It is the intent of the legislature that one (1) member of the board shall be black. Vacancies on the board shall be filled by the board by the appointment of the immediate past member of the board, and if for any reason the immediate past member of the board is unable to accept such appointment, then the board shall fill the vacancy by a unanimous vote of the other board members by the appointment of some other past member of the board. Members of the board shall be removed by a two-thirds vote of the registered dentists in the state for neglect of duty or any just cause, by petition to the secretary of the board by 10 percent of the licensed dentists in the state of Alabama. On or before July 1, 1962, the board shall send a copy of this section to all licensed dentists in the state of Alabama.

“§34-9-43.

“The board shall exercise, subject to this chapter, the following powers and duties:

“(1) Adopt rules for its government as deemed necessary and proper.

“(2) Prescribe rules for qualification and licensing of dentists and dental hygienists.

“(3) Conduct examinations to ascertain the qualification and fitness of applicants for licenses as dentists and dental hygienists.

“(4) Make rules and regulations regarding sanitation.

“(5) Formulate rules and regulations by which dental schools and colleges are approved, and formulate rules and regulations by which training, educational, technical, vocational, or any other institution which provides instruction for dental assistants, dental laboratory technicians, or any other parodontal are approved.

“(6) Grant licenses, issue license certificates, teaching permits, and annual registration certificates in conformity with this chapter to such qualified dentists and dental hygienists.

“(7) Conduct hearings or proceedings to impose the penalties specified in Section 34-9-18.

“(8)a. Employ necessary persons to assist in performing its duties in the administration and enforcement of this chapter, and to provide offices, furniture, fixtures, supplies, printing, or secretarial service to these persons and expend necessary funds.

“b. Employ an attorney or attorneys, subject to the approval of the attorney general, to advise and assist in the carrying out and enforcing of the provisions of this chapter.

“(9)a. Investigate alleged violations of this chapter and institute or have instituted before the board or the proper court appropriate proceedings regarding the violation.

“b. Authorize and employ investigators who comply with the Peace Officers' Minimum Standards and Training Act to exercise the powers of a peace officer in investigating alleged violations of the drug or controlled substances laws by persons licensed pursuant to this chapter, including the powers of arrest and inspection of documents. These investigators shall not be paid a subsistence allowance by the board.

“(10) Adopt rules and regulations to implement this chapter.

“(11) Publish annually the rules and regulations promulgated by the board, a copy of the Dental Practice Act and to publish at

least every two years a list of all persons licensed to practice under this chapter.

“(12) Attend meetings, seminars, work shops, or events that may improve the function and efficiency of the board or improve the ability of the board to enforce and administer this chapter.”

“§34-9-63.

“The issuance of a permit for general anesthesia shall include the privilege of administering parenteral sedation in accordance with this section. The issuance of a permit for parenteral sedation shall include the privilege of administering intravenous sedation. All current intravenous sedation permit holders are entitled to a parenteral sedation permit subject to the renewal and regulatory provisions afforded to the board of dental examiners by this chapter. The term parenteral sedation shall not include the use or regulation of nitrous oxide.

“(1) After August 1, 1993, no dentist shall use parenteral sedation on an outpatient basis for dental patients unless the dentist possesses a permit of authorization issued by the board. The dentist applying for or holding the permit shall be subject to on-site inspections as provided in paragraph b. of subdivision (2) of section 34-9-60.

“a. In order to receive the permit, the dentist shall:

“1. Apply on a prescribed application form to the board.

“2. Submit a fee to be determined by the board of not to exceed seven hundred fifty dollars (\$750).

“3. Produce evidence showing that he or she has satisfied each of the following requirements:

“(i) Received formal training in the use of parenteral sedation from a board approved training program, is competent to handle all emergencies relating to parenteral sedation, and is currently certified in cardiopulmonary resuscitation. The certification of the formal training shall specify the total number of hours, the number of didactic hours, and the number of patient contact hours. The required number of didactic hours and patient contact hours shall be determined by the board.

“(ii) Equipped a proper facility for the administration of parenteral sedation, staffed with a supervised team of auxiliary personnel capable of reasonably assisting the dentist with procedures, problems, and emergencies incident to the sedation procedure.

b. Adequacy of the facility and the competency of the sedation team shall be determined by the board.

"c. Prior to the issuance of a permit, the board may require an on-site inspection of the facility, equipment, and personnel to determine if, the requirements of this section have been met. This evaluation shall be performed as provided in subdivision (2) of this section.

"(2) Each dentist who is licensed to practice dentistry in the state on or after August 1, 1993, who desires to continue to use parenteral sedation shall make application on the prescribed form to the board within 12 months August 1, 1993. If he or she meets the requirements of this section, or currently holds a valid intravenous sedation permit, he or she shall be issued such a permit subject to all renewal and regulatory requirements of Section 34-9-64. If the applicant does not meet the requirements of paragraph a. of subdivision (1) of this section, or does not currently hold a valid intravenous sedation permit, he or she may be entitled to a "parenteral sedation permit if the applicant passes, to the satisfaction of the board, an on-site inspection. The inspection shall ascertain that the dentist has a properly equipped facility for the administration of parenteral sedation, staffed with a supervised team of auxiliary personnel capable of reasonably assisting the dentist with incidental procedures, problems, and emergencies.

"The board, in conducting the on-site inspection and evaluations required in this section, shall appoint a team of three examiners who shall be dentists certified to administer parenteral sedation in accordance with this article.

"(3) A dentist utilizing parenteral sedation and the auxiliary personnel of the dentist shall be currently certified in cardiopulmonary resuscitation.

"(4) Each dentist who has not been using parenteral sedation prior to August 1, 1993, may, pending complete processing of an application and a thorough on-site evaluation, be granted a temporary provisional permit by the board, if the applicant produces evidence that he or she has complied with this section."

"§34-9-64.

"The board shall renew the parenteral sedation permit annually, unless the holder is informed in writing that a reevaluation of his or her credentials and facility is necessary. In determining whether the reevaluation is necessary, the board shall consider any factors as it deems pertinent including, but not limited to, patient complaints and reports of adverse occurrences. The reevaluation shall be performed as provided in paragraph b. of subdivision (2) of Section 34-9-60. The board shall set the fee to renew a parenteral sedation permit in an amount not to exceed seven hundred fifty dollars (\$750)."

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved April 13, 1993

Time: 12:31 P.M.

Act No. 93-160

S.J.R. 39 – Senators Bolling and Hale

SENATE JOINT RESOLUTION

COMMENDING WORLD CHAMPION BARBECUE CHEF CARL SHEWBART OF HAMILTON AND RECOGNIZING HIM AS ALABAMA'S OFFICIAL BARBECUE CHEF.

WHEREAS, world renowned barbecue chef, Carl Shewbart of Hamilton, Alabama, has received numerous recognitions and awards at state, national and international levels over the past three years; and

WHEREAS, Carl Shewbart in 1992, received the Peoples Choice World Barbecue Championship after being judged by over five thousand people as having prepared the world's best barbecue at the World Barbe-Q-Lossal in Des Moines, Iowa; and

WHEREAS, the National Pork Producers also crowned Carl Shewbart as World Champion Boston Butt/Pork Shoulder Barbecuer at the 1992 World Barbe-Q-Lossal; and

WHEREAS, through such distinctions, among many others, Carl Shewbart has brought great fame and honor upon himself, his hometown, and the great State of Alabama as an incomparable chef and World Barbecue Champion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate Carl Shewbart of Hamilton, Alabama, for outstanding achievement; we further recognize him as Alabama's Official Barbecue Chef, and direct that he receive a copy of this resolution, executed in sincere praise and esteem, and as a memento of this honorary recognition by the Alabama Legislature.

Approved April 13, 1993

Time: 12:32 P.M.

Act No. 93-161

S.J.R. 40 – Senators Langford and Floyd

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF L. C. PRESLEY OF GADSDEN, ALABAMA.

WHEREAS, it is with profound sorrow and a deep sense of loss that the Alabama Legislature records the death of L. C. Presley of Gadsden, Alabama, on January 10, 1993; and

WHEREAS, a graduate of Alabama State University, L. C. Presley was a well-loved and highly regarded athletic coach and educator who, at the time of his lamentable death, was serving as a member of the Etowah County Commission, an office he had held since 1986; and

WHEREAS, Mr. Presley also had been elected recently as president of the Alabama Mountain Lakes Association (AMLA), a position he approached with his usual enthusiasm, optimism and vision for the future; he had previously served as vice president of the association during the 1991-92 term, and was a longtime member of AMLA's Executive Committee and Board of Directors; and

WHEREAS, as a man of warm and genial nature who contributed greatly to the Etowah County community, he will be greatly missed by all who were fortunate to have known him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of L. C. Presley of Gadsden, Alabama, and extend our deepest sympathy to his wife, the former Alice Bruce of Montgomery; to his four children; and to other family members for whom a copy of this resolution of sincere condolence shall be provided.

Approved April 13, 1993

Time: 12:33 P.M.

Act No. 93-162

S.J.R. 42 – Senators Denton and Smith (J)

SENATE JOINT RESOLUTION

COMMENDING MYRA L. WALLACE OF FLORENCE, ALABAMA, ON THE OCCASION OF HER RETIREMENT.

WHEREAS, Myra Wallace of Florence, Alabama, is deserving of highest public recognition for her invaluable contributions and service as Executive Director of the Retired Senior Volunteer Program (RSVP), 1974-1993; and

WHEREAS, since assuming the office some 20 years ago, she has worked diligently and unselfishly on behalf of others, and always toward the improvement and furtherance of the senior volunteer program in Alabama; and

WHEREAS, among numerous of her successful endeavors on behalf of RSVP, was her assistance to the five area communities of Cloverdale, Elgin, Zip City, Central and Underwood Petersville, enabling them to raise funds for the construction of local community centers; and

WHEREAS, Mrs. Wallace, whose professional affiliations include the Alabama Association of Retired Senior Volunteer Directors, Inc., and the regional and national RSVP associations, also has been active in leadership with such civic and community organizations as the American Legion Auxiliary, Alabama Assembly of Volunteerism, Shoals Chapter of the Alabama Federation of Business and Professional Women's Clubs, and Pleasant Hill United Methodist Church, among others; and

WHEREAS, she further has been recognized over the years through such tributes as Outstanding Woman of the Year, Citizen of the Year, and as the recipient of the "Diana" Award, among other gestures of gratitude for service and accomplishment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of her retirement and in recognition of outstanding service to RSVP and the community, we hereby most highly commend Myra L. Wallace and direct that she receive a copy of this resolution of sincere praise and regard.

Approved April 13, 1993

Time: 12:34 P.M.

Act No. 93-163

S.J.R. 43 – Senator Waggoner

SENATE JOINT RESOLUTION

COMMENDING MARILYN MILLER MORTON OF VESTAVIA HILLS FOR DISTINGUISHED ACHIEVEMENT.

WHEREAS, the Legislature of Alabama most heartily congratulates Marilyn Miller Morton of Vestavia Hills, who has been named to the 1993-94 edition of "Who's Who in the World"; and

WHEREAS, Ms. Morton, executive director of Samford University's Institute of Genealogy and Historical Research, is founding director of the University's British and Irish Institute of Genealogy and Historical Research; and

WHEREAS, in further professional involvement, Ms. Morton leads amateur and professional genealogists on research trips to England, Scotland and Wales each summer; and

WHEREAS, Ms. Morton is most highly regarded by her peers, both amateur and professional genealogists, at home and abroad, and her inclusion in "Who's Who in the World," has brought great honor to Samford University and the State of Alabama, who are justly proud of her accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and service, we hereby commend Marilyn Miller Morton of Vestavia Hills, for whom a copy of this resolution of sincere praise and esteem shall be provided.

Approved April 13, 1993

Time: 12:35 P.M.

Act No. 93-164

S.J.R. 60 – Senator Langford

SENATE JOINT RESOLUTION

RECOGNIZING JULY 13, 1993, AS THE 25TH ANNIVERSARY OF GOODWILL INDUSTRIES OF CENTRAL ALABAMA, INC.

WHEREAS, the disabled and handicapped who seek to contribute the fruits of their labor to the betterment of our State are worthy of the support of all the citizens of Central Alabama; and

WHEREAS, vocational rehabilitation of the disabled and handicapped requires a comprehensive program of services administered by a professional staff, including vocational assessment and counseling, guidance, job training and placement; and

WHEREAS, Goodwill Industries of America was founded to answer the growing needs of our local communities for vocational

rehabilitation services to handicapped and disabled citizens, "Offering a Chance and Not Charity"; and

WHEREAS, Goodwill Industries of Central Alabama, Inc., which has been providing these vital services to the disabled in our communities since July 1968, depends for its annual budget upon Federal service contracts for Vocational Rehabilitation Services (VRS), as well as upon the donations of time, money, goods and services received from the generous citizens of Alabama; and

WHEREAS, Goodwill Industries of Central Alabama, Inc., is accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), as well as by the Federal Department of Labor, Wage and Hour Division; and

WHEREAS, Goodwill Industries of Central Alabama, Inc., was recognized as the "1982 Facility of the Year" by the Alabama Association of Rehabilitation Facilities; and

WHEREAS, in 1992 alone, Goodwill Industries of Central Alabama, Inc., provided training and employment to 111 disabled employees and 113 VRS employees, and enabled five disabled clients and 41 VRS clients to reenter the workforce; and

WHEREAS, as of January 1993, 241 clients were receiving paychecks from Goodwill Industries of Central Alabama, Inc.; and

WHEREAS, July 13, 1993, has been set aside as the 25th Anniversary of Goodwill Industries of Central Alabama, Inc.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize July 13, 1993, as the 25th Anniversary of Goodwill Industries of Central Alabama, Inc., and do further urge the citizens of Alabama to continue their support of this outstanding service facility.

Approved April 13, 1993

Time: 12:37 P.M.

Hill, Horn, Langford, Lindsey,
Lipscomb, Little, Mitchell,
Mitchem, Owens, Parsons,
Sanders, B. Smith, J. Smith,
Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

COMMENDING RICHARD ASHLEY THIGPEN FOR DISTINGUISHED SERVICE TO THE UNIVERSITY OF ALABAMA, 1970-1992.

WHEREAS, it is with utmost appreciation that the Legislature of Alabama commends Dr. Richard Ashley Thigpen on his distinguished tenure as a member of the Law Faculty at the University of Alabama, 1970-1992, and as Executive Vice President, and acting Chief Executive Officer, 1975-77; and

WHEREAS, a native of Birmingham, Dr. Thigpen received his A.B., M.A., J.D., and LL.D (Honorary) degrees from the University of Alabama, and his LL.M degree from Yale University; and

WHEREAS, Dr. Thigpen, over the course of his career at the University was professor, mentor and friend to countless young law students, many of whom attribute their love of the law and their professional success to the thoroughness of his courses, his ability to impart subject matter clearly and concisely, and his expectation that his students perform to their potential; and

WHEREAS, reflecting the outstanding success of Dr. Thigpen's career are such distinctions as the Algernon Sydney Sullivan Award, Bernerd Weber History Award, Kappa Phi Kappa Preeminent Educator Award, and the University of Alabama Outstanding Commitment to Teaching Award; and

WHEREAS, in addition to his professional duties, however, Dr. Thigpen was Editor of the Alabama Government Manual, 8th edition, Fall, 1982; served as Director of the Alabama Medicaid Study for the Alabama Law Institute and the State Legislature; Reporter, Revised Business Corporation Act of 1993, Alabama Law Institute; and was the author of numerous other professional publications, papers and presentations; and

WHEREAS, in further professional and civic service, he served as State Chairman of the Alabama Heart Fund, President of the UA Chapter of AAUP, member of the Stillman College Board of Trustees, and as UA Faculty Chairman of Athletics, among numerous other leadership activities; and

WHEREAS, Dr. Richard A. Thigpen has indeed long and well served the University of Alabama, the UA School of Law, the legal

community and the State of Alabama, and it is with deep gratitude that we recognize the many extraordinary accomplishments of his career; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby highly commend Dr. Richard A. Thigpen for outstanding professional achievement and service, and do further direct that he receive a copy of this resolution, executed in sincere praise and with warmest personal regard.

Approved April 13, 1993

Time: 12:38 P.M.

Act No. 93-166

S.J.R. 62 – Senator Ghee

SENATE JOINT RESOLUTION

RELATING TO ART EDUCATION AND DESIGNATING
ARTS EDUCATION AWARENESS MONTH.

WHEREAS, the Legislature of Alabama has a responsibility to provide for K-12 education for Alabama school children and all Alabama school children deserve the most advantageous curriculum that can be provided; and

WHEREAS, our last eight Presidents have affirmed the idea that the arts are at the core of what we are and, therefore, of what we should know; and

WHEREAS, education in the arts is basic to understanding civilization, developing creativity, learning the tools of communication, and developing a capacity for making wise choices among the products of the arts; and the arts are as basic to education as reading, mathematics, and the physical sciences; and

WHEREAS, the arts are a generally neglected curriculum in the majority of Alabama elementary and secondary schools, and numerous national and state reports such as A Nation at Risk; Reinventing the Wheel, National Conference of State Legislatures; and America 2000 Arts Partnership have called for increased support of arts education; and

WHEREAS, the Alabama Alliance for Arts Education, the Alabama State Council on the Arts, the Alabama PTA, and the State Department of Education have participated in the development of the CAP 2000 Plan (comprehensive arts planning) for arts education in Alabama; and

WHEREAS, a recent Capstone Poll reveals that the vast majority of principals of Alabama's public schools think that it is "very important for all students to have access to study the arts," even though there is presently no state funding for creation of designated teacher units in arts education; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

1. That education in the arts, including dance, music, theater, and the visual arts, is an important component of basic K-12 public education in Alabama.

2. That March of 1993 is designated as "Arts Education Awareness Month" in the State of Alabama.

3. That "Standards of Excellence for Arts Education in Alabama Schools," published by the Consortium of Alabama Arts Education Associations is endorsed as an appropriate standard for arts education in Alabama Public Schools.

4. That education in the arts, including dance, music, theater, and the visual arts, is an increasingly important component of "basic" public education in Alabama, and for that reason the State Department of Education is urged to develop courses of study in those areas constituting arts education for which courses of study do not already exist, such as dance and theater, in order to provide a basis for decisions regarding appropriations as state funding is made available.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each member of the State Board of Education and the State Superintendent of Education.

Approved April 13, 1993

Time: 12:39 P.M.

Act No. 93-167

S.J.R. 63 – Senators Waggoner, Hale
and Parsons

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF OCIE COOK OF ARAB, ALABAMA.

WHEREAS, it is with immense sorrow and regret that the Alabama Legislature records the death of Ocie Cook of Arab, Alabama, on March 8, 1993, at the age of 83 years; and

WHEREAS, Ocie Cook, founder of Eagle Motor Lines which at one time was one of the largest trucking companies in the area, was a true pioneer in the trucking business; and

WHEREAS, Mr. Cook left his Cullman County farm and family in 1934 in search of a job, which he found driving a truck for the Deaton Company in Birmingham; eleven years later, in 1945, with a limited education and very little money, he started Eagle Motor Lines which through his determination, hard work and perseverance, grew to have 600 trucks and 900 trailer rigs with routes running throughout the United States; and

WHEREAS, he sold the business in 1973, and returned to the farm and, at the time of his death, had some 400 cattle and extensive land holdings in Cullman County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Ocie Cook of Arab, Alabama, and extend heartfelt sympathy to his wife, Mrs. Eloise Cook; sons, Doug Cook and Ocie Cook, Jr.; daughters, Ionia Pitts, Mary Ellen Oaks, Carolyn McConnell and Carol Thompson; and to other family members, for whom a copy of this resolution of sincere condolence shall be provided.

Approved April 13, 1993

Time: 12:40 P.M.

Act No. 93-168

S.J.R. 65 – Senators Bedsole, Windom
and Figures

SENATE JOINT RESOLUTION

COMMENDING WALTER HOVELL OF MOBILE, ALABAMA.

WHEREAS, it is with great pleasure that the Alabama Legislature congratulates Walter Hovell as the recipient of "Mobilian of the Year" honors, a bestowal of the Civitan Club of Mobile in recognition of outstanding community service; and

WHEREAS, Walter Hovell, president and chief executive officer of Mobile Gas Corporation, started his career as an accountant in 1961 and, through successive promotions, rose through the ranks to the corporation's top administrative post; and

WHEREAS, Mr. Hovell, a former school dropout who, through prayer and the prayers of his family and friends, turned his life

around to finish his high school education; he then served a four-year stint in the U. S. Marine Corps where he acquired self-discipline, and enrolled and graduated from Spring Hill College; and

WHEREAS, in addition to the responsibilities of his career, however, Mr. Hovell has worked equally as hard in service to the community, focusing primarily on the improvement of local education, in keeping with his belief that, in education, lies the key to success; and

WHEREAS, Mr. Hovell has been most particularly active as a member of A+, an education reform group, and as a member of the boards of Bishop State Community College and the Alabama School of Math and Science; he has worked tirelessly, as well, toward a drug-free Mobile, and with health and human service agencies; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding community service, and upon his selection as "Mobilian of the Year," we hereby commend Walter Hovell, whom we greatly admire and for whom a copy of this resolution shall be provided.

Approved April 13, 1993

Time: 12:41 P.M.

Act No. 93-169

S.J.R. 66 – Senators Foshee, Amari, Bailey, Barron, Bedsole, Bennett, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Escott-Russell, Figures, Floyd, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, B. Smith, J. Smith, Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

COMMENDING JOHN D. CRAWFORD, FORMER ASSISTANT SECRETARY OF THE SENATE.

WHEREAS, as a rule, the Legislature does not pass resolutions honoring lobbyists but is making an exception in the case of

John D. Crawford, Esquire, Manager of Governmental Affairs for Waste Management, Inc., of Alabama; and

WHEREAS, from January 1979 to November 1990, Johnny Crawford served as Assistant Secretary of the Alabama Senate, during which period he was instrumental in moving the Legislature into the computer and data processing age, and was largely responsible for the design of the Legislature's quarters in the Alabama State House, most especially the space allocated for Senate use; and

WHEREAS, Mr. Crawford, who served as associate vice president in 1984-1985 of the American Society of Legislative Clerks and Secretaries, and as chairman of the Association's Support Staff Committee (1987), also served as vice chairman of the National Conference of State Legislatures' Legislative Organization and Management Committee (1987), and as chairman in 1988; and

WHEREAS, Mr. Crawford's tenure with the Alabama Senate was one of outstanding accomplishment, and his contributions are greatly appreciated by both the Senate and the House of Representatives; and

WHEREAS, our tardiness in commending Mr. Crawford is in no way an oversight on our part, but as he seems to have settled in for the long haul as a lobbyist, we deem it wise to break from tradition and at last publicly acknowledge our gratitude for his many contributions on behalf of this body and the State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service and achievement as Assistant Secretary of the Alabama Senate, we hereby commend John D. Crawford, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

Approved April 13, 1993

Time: 12:42 P.M.

Act No. 93-170

S.J.R. 46 – Senator Mitchem

SENATE JOINT RESOLUTION

COMMENDING MISS KRISTIN YENCER OF ALBERTVILLE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, Kristin Yencer, a 17-year-old Albertville High School honors student, has represented the City of Albertville and

the State of Alabama in regional and national baton twirling competition over the past five years, and has consistently placed among the top seven in the United States Twirling Association National Championships for 13 consecutive years; and

WHEREAS, additionally, she was named the USTA Junior Division National Champion in three-baton in 1988, has been Southeast Regional three-baton Grand Champion the past four consecutive years, and Southeast Regional two-baton Grand Champion the last two years in a row; and

WHEREAS, in National Championship competition in 1992, competing against the best twirlers in the nation, Kristin placed fourth in two-baton, fifth in three-baton and seventh in one-baton; and

WHEREAS, over the past 13 years, Kristin has performed in parades across the country and has made television appearances featuring her twirling in numerous cities in the Southeast; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Miss Kristin Yencer of Albertville, Alabama, a talented young lady of whom we are justly proud, and for whom a copy of this resolution shall be provided that she may know of our sincere admiration and warm best wishes for every future success.

Approved April 13, 1993

Time: 12:36 P.M.

Act No. 93-171

S.J.R. 48 – Senator Bolling

SENATE JOINT RESOLUTION

COMMENDING LANCE TUCKER OF FAYETTE, ALABAMA.

WHEREAS, Lance Tucker, a graduating senior and a record-holding quarterback at Fayette County High School has recently signed to play with the Crimson Tide at the University of Alabama; and

WHEREAS, loaded with natural talent and ability, and ably led by his father, Waldon Tucker, head coach at Fayette High, Lance Tucker has set many records during his high school football career; and

WHEREAS, Lance Tucker, a starting quarterback for the Fayette County Tigers for the past six years, led his team to 54 victories, and holds a state record for passing yardage (8,173), completions (586), attempts (1,202), and touchdown passes (63); he also ranks nationally as the sixth all-time passer in the nation, and is second in attempts and third in completions; and

WHEREAS, in tribute to his many accomplishments, Lance has received honorable mention as an All-American by USA Today and as Class 4A "Player of the Year" by the Alabama Sports Writers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Lance Tucker of Fayette, Alabama, on his many outstanding accomplishments, and direct that he receive a copy of this resolution with sincere best wishes for continued success in his future career with the University of Alabama Crimson Tide.

Approved April 13, 1993

Time: 12:43 P.M.

Act No. 93-172

S.J.R. 49 – Senator Bolling

SENATE JOINT RESOLUTION

COMMENDING JANE MCWHORTER, ALABAMA'S 1993 MERIT MOTHER OF THE YEAR.

WHEREAS, in consensus of commendation, the Alabama Legislature notes the selection of Jane McWhorter of Fayette, Alabama, as Alabama Mother of the Year for 1993 by the Alabama Association of American Mothers, Inc.; and

WHEREAS, Jane McWhorter, who will compete for national honors in Raleigh, North Carolina, in April, truly exemplifies those qualities of character to be admired and emulated; despite her responsibilities as the mother of two children and the wife of a Church of Christ minister, she has always found time for others in need, and her courage and determination in recovering from injuries sustained in an automobile accident in 1970, served as a meaningful example for her now-grown children; and

WHEREAS, Mrs. McWhorter earned a Bachelor of Arts degree from David Lipscomb College, Master of Science degree from Jacksonville State University, and has pursued further graduate studies at the University of Alabama; and

WHEREAS, a first grade teacher at Fayette Elementary School, Mrs. McWhorter is a former Fayette County Elementary Teacher of the Year; has been honored as Teacher of the Year for District Seven, and nominated for the R. Wiley Hollingsworth-Arvin Foundation Outstanding Teacher Award; and was named Disabled Professional Woman of the Year in 1990 by the Alabama Pilot Club; and

WHEREAS, Mrs. McWhorter additionally has written study books for women's Bible classes, has co-authored a book about marriage with her husband, and speaks to women's groups throughout the Southeast; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding accomplishment and as Alabama's 1993 Mother of the Year, we hereby most highly commend Jane McWhorter of Fayette, Alabama, for whom a copy of this resolution shall be provided with sincere best wishes for success in the forthcoming national competition.

Approved April 13, 1993

Time: 12:44 P.M.

Act No. 93-173

S.J.R. 50 – Senators Little and Dial

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF TYRE C. WEAVER, JR., OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Tyre C. Weaver, Jr., of Mobile, Alabama, on February 20, 1993; and

WHEREAS, Tyre C. Weaver, Jr., a native of Riverview, Alabama, and former Chambers County Tax Collector from 1949 to 1980, was a United States Army veteran, who served as a flight engineer on a B-17 Fortress bomber during World War II; and

WHEREAS, in July 1943, Sergeant Weaver was badly wounded during a bombing mission when his plane was attacked by enemy fire, and he was struck by a 20MM shell which severed his left arm at a point too close to permit a tourniquet; and

WHEREAS, in a desperate attempt to save the flight engineer's life, his crewmates strapped him into a parachute and dropped him overboard at 25,500 feet on the remote chance he

would be found by the enemy and receive the medical attention necessary to save his life; and

WHEREAS, after being discovered, the unconscious and badly bleeding airman was carried to a German hospital in Vechta where his arm was amputated; he then spent 15 months as a prisoner of war before being repatriated from Germany in an exchange of wounded military personnel; and

WHEREAS, Tyre Weaver, a valiant American hero, was the recipient of the Air Medal, as well as the Purple Heart, and the courage he displayed throughout his ordeal will forever attest to the indomitable spirit of our nation's brave men and women who stand ready to defend the freedom we hold so dear; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Tyre C. Weaver, Jr., and extend our very deepest sympathy to his wife, Mrs. Frances D. Weaver; daughters, Connie W. Spates, Karen W. Re and Kimberly W. Stanley; sons, Tyre C. Weaver, III, John L. Weaver, William O. Weaver and Robert L. Weaver; and to other family members, whose sorrow we sincerely share, and to whom a copy of this resolution shall be forwarded.

Approved April 13, 1993

Time: 12:45 P.M.

Act No. 93-174

S.J.R. 52 – Senators Hale, Smith, B.,
Smith, J., and Barron

SENATE JOINT RESOLUTION

RECOGNIZING THE CONTRIBUTION TO EDUCATION IN ALABAMA AND THE HISTORY OF ALABAMA MADE BY CONSTITUTION VILLAGE OF HUNTSVILLE, ALABAMA.

WHEREAS, the Legislature of Alabama records that in 1972, state and civic leaders in Madison County wished to preserve the site of the constitutional convention of 1819 located in Huntsville; and

WHEREAS, Constitution Hall Park was then established as a living memorial to Alabama's statehood and shall now be known as Constitution Village; and

WHEREAS, through the arduous tasks of research, fund raising, and development, the founders and staff of Constitution

Village were able to recreate a working and thriving environment typical of Alabama in the early 1800's; and

WHEREAS, Constitution Village offers a variety of programs catering to the interests of school children, visiting adults, and teachers, including a teacher training program, the Summer Teacher's Institute, which was awarded the Exemplary Program Award by the United States Department of Education; and

WHEREAS, Alabama's Constitution Village is a unique tourist attraction that has made a meaningful and lasting contribution to the economic development of Huntsville and the state of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish to commend the Board of Directors and staff of Constitution Village for their unique contribution to preserving the history of Alabama and their commitment to the education of students and teachers alike.

Approved April 13, 1993

Time: 12:46 P.M.

Act No. 93-175

S.J.R. 56 – Senator Parsons

SENATE JOINT RESOLUTION

NAMING THE PORTION OF U. S. HIGHWAY 78 WITHIN THE CITY OF ADAMSVILLE "VETERANS MEMORIAL DRIVE."

WHEREAS, veterans of all wars will be honored on May 1, 1993, during the Founder's Day Celebration in the City of Adamsville; and

WHEREAS, in honor of the contributions of veterans, it is fitting that the portion of U. S. Highway 78 in the City of Adamsville be named "Veterans Memorial Drive"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the portion of U. S. Highway 78 in the City of Adamsville is named and designated "Veterans Memorial Drive."

BE IT FURTHER RESOLVED, That the proper officials are authorized and directed to erect and maintain appropriate signs and markers designating the highway.

RESOLVED FURTHER, That copies of this resolution be forwarded to the State Highway Department and to the Mayor of the City of Adamsville.

Approved April 13, 1993

Time: 12:47 P.M.

Act No. 93-176

S.J.R. 57 – Senator Windom

SENATE JOINT RESOLUTION

COMMENDING R. D. “DOUG” FREEMAN ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, in consensus of commendation, the Alabama Legislature most heartily congratulates R. D. “Doug” Freeman of Tillman’s Corner, Alabama, on the occasion of his retirement from Liberty National Insurance Company, following a career of some 35 years in the insurance business; and

WHEREAS, Mr. Freeman, who began his career with Southern Life and Health Insurance Company, where he worked for 19 1/2 years, joined Liberty National in 1978 and, in 1981, was the company’s top salesman, statewide; and

WHEREAS, in addition, however, to the responsibilities of his employment, Mr. Freeman has also assumed a leadership role in the community as a member of the board of the Tillman’s Corner Chamber of Commerce, which honored him as a former “Citizen of the Year”; and

WHEREAS, he further is a member of the Mobile County Water and Fire Protection Board, a member and Deacon of Travis Road Baptist Church, and over the years, has been involved in numerous other areas of concern to Tillman’s Corner and Mobile County; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend R. D. “Doug” Freeman of Tillman’s Corner, Alabama, for outstanding professional and community leadership, and do further direct that he receive a copy of this resolution of highest personal regard.

Approved April 13, 1993

Time: 12:48 P.M.

Act No. 93-177

S.J.R. 58 – Senators Amari, Parsons, Horn, Bennett, Bailey, Barron, Bedsole, Bolling, Campbell, Corbett, deGraffenried, Denton, Dial, Dixon, Ellis, Figures, Floyd, Foshee, Ghee, Hale, Hill, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Sanders, B. Smith, J. Smith, Wilson and Windom

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF JAMES THOMAS “JABO” WAGGONER, SR.

WHEREAS, it is with deep and abiding sorrow that the Alabama Legislature records the death of James Thomas “Jabo” Waggoner of Walker County, Alabama, on October 20, 1992, at the age of 85 years; and

WHEREAS, a graduate of Ensley High School and an alumnus of Birmingham-Southern College, Jabo Waggoner was a distinguished public servant, an astute politician and a staunch conservative whose honesty, forthrightness and courage of conviction earned the highest regard of his fellow citizens, and the love of his fellowman; and

WHEREAS, Mr. Waggoner, as a public servant, was a former prison guard, district supervisor, superintendent of street and sanitation, commissioner, and administrative assistant on the Alabama Public Service Commission; his service in each of these capacities was exemplary in every respect, thereby impacting greatly to the good and well-being of the City of Birmingham and the State of Alabama; and

WHEREAS, equally as impressive was Mr. Waggoner’s political career, which dated from the depression years and his involvement in the race by his father-in-law, F. O. Harris, for judge of Ensley, Wylam, Fairfield and Pratt City, to recent years and his service as chairman of the Walker County Republican Party and delegate to the 1988 and 1992 Republican presidential conventions; and

WHEREAS, Mr. Waggoner, in his own political races, ran always as a Democrat to win elections in 1956, 1958 and 1962 to the City Commission; his interest in politics, however, never lessened, nor did his innate conservatism ever change; and

WHEREAS, but above all, and more importantly, Jabo Waggoner was a devout Christian who instilled his beliefs in his

family—his beloved wife, Nell; his children, Jabo Waggoner, Jr., and Ann Waggoner Pyburn; and his loving grandchildren, all of whom came foremost in his life and in whom he was justly proud; and

WHEREAS, James T. “Jabo” Waggoner was indeed one of our state’s most prominent citizens, whose lifelong accomplishments were legion, and our lives are immeasurably better for his having lived; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of James Thomas “Jabo” Waggoner, and do further extend heartfelt sympathy to all his family, for whom copies of this resolution shall be provided that they may know we sincerely share the sorrow of their loss.

Approved April 13, 1993

Time: 12:49 P.M.

Act No. 93-178

S.J.R. 68 – Senator Denton

SENATE JOINT RESOLUTION

RECOGNIZING JUNE 7 TO 11, 1993, AS MANAGEMENT WEEK IN ALABAMA.

WHEREAS, recognition by this Legislature of Management Week In Alabama will create an understanding of the essential role of management in increasing productivity and strengthening our economic system, foster respect for this important profession, and encourage young persons to consider a career in a managerial vocation; and

WHEREAS, since its inception by The National Management Association, Management Week In America has grown in recognition, the week has been observed through joint resolution of the U. S. Congress and by Presidential Proclamation, and during this week numerous distinguished American business leaders have been named Manager of the Year; and

WHEREAS, the Legislature of Alabama wishes to designate Management Week In Alabama to coincide with Management Week In America, so that this profession may be acknowledged for its contributions to the economic growth and stability of this state and to honor the role and achievements of managers in our state and our society; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the week of June 7 to June 11, 1993, is recognized as Management Week In Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to the Alabama Chapter of the National Management Association, so that the state chapter may know of this recognition and of our respect.

Approved April 13, 1993

Time: 12:50 P.M.

Act No. 93-179

S.J.R. 69 – Senators Hale, Smith (J),
Smith (B) and Barron

SENATE JOINT RESOLUTION

RECOGNIZING THE CONTRIBUTION TO EDUCATION IN ALABAMA AND THE HISTORY OF ALABAMA MADE BY CONSTITUTION VILLAGE OF HUNTSVILLE, ALABAMA.

WHEREAS, the Legislature of Alabama records that in 1972, state and civic leaders in Madison County wished to preserve the site of the constitutional convention of 1819 located in Huntsville; and

WHEREAS, Constitution Hall Park was then established as a living memorial to Alabama's statehood and shall now be known as Constitution Village; and

WHEREAS, through the arduous tasks of research, fund raising, and development, the founders and staff of Constitution Village were able to recreate a working and thriving environment typical of Alabama in the early 1800's; and

WHEREAS, Constitution Village offers a variety of programs catering to the interests of school children, visiting adults, and teachers, including a teacher training program, the Summer Teacher's Institute, which was awarded the Exemplary Program Award by the United States Department of Education; and

WHEREAS, Alabama's Constitution Village is a unique tourist attraction that has made a meaningful and lasting contribution to the economic development of Huntsville and the state of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we wish to commend the Board of Directors and staff of Constitution Village for their unique contribution to preserving the history of Alabama and their commitment to the education of students and teachers alike.

Approved April 13, 1993

Time: 12:51 P.M.

Act No. 93-180

S.J.R. 73 – Senator Mitchell

SENATE JOINT RESOLUTION

COMMENDING THE BRANTLEY HIGH SCHOOL BULLDOGS AS THE 1993 STATE CLASS 1A BASKETBALL CHAMPIONS.

WHEREAS, it is with great pleasure that the Alabama Legislature commends and congratulates the Brantley High School Bulldogs on their 1993 State Class 1A Basketball Championship; and

WHEREAS, the Brantley High team, which captured the Title with a spectacular 32-2 season record, accomplished this feat under the expert direction of Head Coach Tony Stallworth, who was most ably assisted by Coach Johnny Mitchell, managers Gabriel Bryant and Mario Wiley, athletic trainer Roland Jones, Jr., scorekeeper Carl Smith, statisticians Johnny Young and Austin Cauley, and photographers Candace Johnson, Rachall Crowe, Kyle McDowell and Chad Nelson; and

WHEREAS, in addition, the Bulldogs placed first in the Luverne and Andalusia Christmas Tournaments, the Area and SEAC Tournaments; and finished 8-0 in Area play; and

WHEREAS, cheering the Bulldogs to victory from the sidelines were captain Michele Smith, co-captain Tracy Mathews, along with teammates Rena Driggers, Taisha Mitchell, Jessica Carter, Natasha Tillis, Stacey Walker, Tonya Crowe, Ashleigh Weeks and Carrie McSwean, as well as Semetria Burnette, mascot, and Rhonda Jones, sponsor; and

WHEREAS, The Bulldogs, consisting of Eric Person, Ashley Kilcrease, Antonio Rogers, Edward Downie, Derek Caldwell, Andrew Kilcrease, Andretti Daniels, Jimmy Burnett, Adrian Person, Eric Crenshaw and Ashley Carlisle, each contributed greatly to an outstanding team effort and a phenomenal season; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coach Tony Stallworth and the Brantley High Bulldogs as the 1993 State Class 1A Basketball Champions, and do further direct that copies of this resolution be provided for appropriate presentation and school display.

Approved April 13, 1993

Time: 12:52 P.M.

Act No. 93-181

S.J.R. 74 – Senator Bedsole

SENATE JOINT RESOLUTION

OFFICIALLY DESIGNATING KATHERINE SMYTHE OF MEMPHIS, TENNESSEE, AS “MISS KATHERINE” IN THE STATE OF ALABAMA.

WHEREAS, Katherine Powell Hinds Smythe of Memphis, Tennessee, immediate past president of the Southern Cemetery Association graced our state with a visit in July 1992 to attend the association’s 59th Annual Family Reunion, Convention and Trade Show held in Point Clear; and

WHEREAS, during a scheduled convention event, reference was made to Mrs. Smythe as “Miss Katherine,” in keeping with the widely accepted practice in Alabama of using the title “Miss,” or “Mr.,” with an individual’s given name to denote respect, affection and friendship, all of which our “Miss Katherine” from Memphis is justly due; and

WHEREAS, we do indeed greatly admire and appreciate the many professional accomplishments of this warm and gracious lady from Tennessee, and we value her highly as a good and true friend; and

WHEREAS, at the same time, however, we must confess that, in Alabama, we have a fondness for using short and descriptive colloquialisms—and, who among us would not admit that Katherine Powell Hinds Smythe is quite a mouthful, while “Miss Katherine” says it best; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Katherine H. Smythe, whom we herein officially designate as “Miss Katherine,” and by which name she shall henceforth and forever be known in the State of Alabama.

BE IT FURTHER RESOLVED, That "Miss Katherine" be provided with a copy of this resolution, in token of our friendship and esteem, and as a memento of this honorary designation by the Legislature of Alabama.

Approved April 13, 1993

Time: 12:53 P.M.

Act No. 93-182

S.J.R. 71 – Senator Corbett

SENATE JOINT RESOLUTION

ENDORSING THE "CANINE GOOD CITIZEN" PROGRAM.

WHEREAS, dogs play an important role in the lives of many Alabama citizens by serving as companions and assistance animals; and

WHEREAS, it is recognized that the "bad dog" problem is most often an irresponsible owner problem; and

WHEREAS, responsible pet ownership is encouraged in this state and responsible owners should properly confine and provide adequate training for their dogs; and

WHEREAS, "Canine Good Citizen" programs identify and officially recognize those dogs who behave as members in good standing with the community; and

WHEREAS, the "Canine Good Citizen" concept was developed to teach pet owners that dogs should exhibit functional, "good citizen" behaviors in the presence of people and other animals, in both the home and the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we endorse "Canine Good Citizen" programs as a means of teaching owners responsible pet ownership, and as a means of teaching dogs canine good citizen behaviors for the community.

BE IT FURTHER RESOLVED, That the Legislature of Alabama encourages dog training programs and kennel clubs to provide training and education for community pet owners that emphasize the importance of properly confining and controlling dogs and providing training which results in "Canine Good Citizens."

Approved April 13, 1993

Time: 12:54 P.M.

Act No. 93-183

H. 218 – Reps. Kvalheim, Box, Hogan
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Nursing with certain modifications; to amend Section 34-21-25, Code of Alabama 1975, so as to establish a voluntary disciplinary alternative program for impaired licensees.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Alabama Board of Nursing, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the Alabama Board of Nursing, created and functioning pursuant to Sections 34-21-1 to 34-21-63, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Section 34-21-25 of the Code of Alabama 1975, is amended to read as follows:

“§34-21-25.

“(a) For disciplinary purposes, the board may adopt, levy, and collect administrative fines not to exceed one thousand dollars (\$1,000) per violation and may institute any legal proceedings necessary to effect compliance with this chapter against its licensees.

“(b) The board may also deny, revoke, or suspend any license issued by it or to otherwise discipline a licensee upon proof that the licensee: is guilty of fraud or deceit in procuring or attempting to procure a license; has been convicted of a felony; is guilty of a crime involving moral turpitude or of gross immorality that would tend to bring reproach upon the nursing profession; is unfit or incompetent due to the use of alcohol, or is addicted to the use of habit-forming drugs to such an extent as to render him or her unsafe or unreliable as a licensee; has been convicted of any violation of a federal or state law relating to controlled substances; is guilty of unprofessional conduct of a character likely to deceive, defraud, or injure the public in matters pertaining to health or has willfully or repeatedly violated any of the provisions of this article, as defined by board rules and regulations. The board may refrain from or delay taking disciplinary action under this subsection if a licensee can be voluntarily treated or rehabilitated pursuant to subsection (j) of this section.

“(c) Whenever a written complaint is made to the board that a person has committed any of the acts or come within any of the

provisions enumerated in subsection (b), the board shall investigate the complaint and may bring an action in its own name to hear and determine the complaint. The hearing shall be held in Montgomery, Alabama. The person whose qualification is under consideration shall have not less than 20 days' written notice of the time and place of the initial hearing, and the notice shall be accompanied by a copy of the complaint. The notice may be served upon the accused person by any sheriff of the state of Alabama. If the accused person is out of the state, evades service, or cannot be served in person, then service may be made by mailing, by registered or certified mail, the notice and a copy of the complaint to the accused person at his or her last known post-office address in this state, and the return shall show that service has been made in this manner.

"(d) At the hearing, the complainant, the person whose qualification is under consideration, and any other person permitted by the board, shall have the right to introduce all oral or written testimony, or both, as the board deems relevant to the issues involved, and the right to be heard in person or by counsel, or both. The board may permit the complaint to be amended, but no amendment shall be permitted which is not germane to the charge or charges sought to be amended or which materially alters the nature of any offense charged. The board may determine all questions as to the sufficiency of the complaint, procedure, and admissibility and weight of evidence. If the person whose qualification is under consideration is absent, the hearing may proceed in his or her absence.

"(e) Any accused person, complainant, or other party and the board may subpoena witnesses or pertinent records for the hearing, and those subpoenas may be served by any sheriff of the state of Alabama. Witnesses may be sworn by the president of the board or by the person discharging the duties of the president. Witnesses testifying at a hearing shall upon discharge as a witness be paid by the party requesting the subpoena an amount not to exceed the per diem expense allowed to Alabama state employees for in-state travel and the actual cost of transportation to and from the place of the hearing, not to exceed the mileage rate allowed to Alabama state employees for in-state travel.

"(f) Evidence may also be taken by deposition, and the law and practice as to depositions in circuit courts shall be followed in all reasonable respects.

"(g) If the accused person is found guilty of the charges, the board may refuse to issue a license, may revoke or suspend a license, or may otherwise discipline a licensee. A revoked license may be considered for reinstatement after one year in accordance with board rules.

"(h) Any person whose license is ordered suspended or revoked may appeal to the circuit court or a court of like jurisdiction of Montgomery county, from any order of the board under this section, within 30 days from date of the decision of the board. The trial of appeals shall be conducted in like manner, as nearly as may be, as provided for in the Alabama Administrative Procedure Act.

"(i) Any organization, registered nurse, licensed practical nurse, or other person who in good faith reports information to the board alleging that any person licensed or applying for a license to practice nursing may be guilty of the acts, offenses, or conditions set out in section 34-21-7 or subsection (b) of this section, shall not be liable to any person for any statement or opinion made in that report.

"(j) Not later than October 1, 1994, the board shall establish a voluntary disciplinary alternative program to promote early identification, intervention, treatment, and rehabilitation of any licensed nurse whose competence is found to be impaired or compromised because of the use or abuse of drugs, alcohol, controlled substances, chemicals, or other substances or as a result of a physical or mental condition rendering the person unable to meet the standards of the nursing profession. The intent of the program is to provide a voluntary alternative to traditional disciplinary actions.

"(1) When a registered nurse or licensed practical nurse voluntarily seeks treatment for use or abuse of drugs, controlled substances, alcohol, chemicals, or other substances, or has a physical or mental condition that would render the individual unable to meet the standards of the nursing profession, the board may refrain from taking disciplinary action under subsection (b) if it determines that the licensee can be treated or rehabilitated effectively and that there is no danger to the public. Upon voluntarily seeking treatment, the licensee is subject to the requirements of the disciplinary alternative program established by the board.

"(2) The board may adopt and revise rules and regulations, and may adjust the license renewal fee as necessary to implement this subsection.

"(3) The board may appoint an advisory council for the disciplinary alternative program pursuant to Section 34-21-3.

"(4) The board may contract with specially qualified persons or corporations, or both, to assist it in administering the disciplinary alternative program.

"(5) The board shall establish by rule criteria for eligibility to participate in the disciplinary alternative program and requirements for successful participation in and completion of the program.

“(6) All records of a licensee who successfully completes the disciplinary alternative program shall be confidential, shall not be subject to public disclosure, and shall not be available for court subpoena or for discovery proceedings. The records of a licensee who fails to comply with the program agreement or who leaves the state prior to the successful completion of the program shall not be deemed confidential.

“(7) Nothing in this subsection shall limit the authority of the board to discipline an impaired individual subject to its jurisdiction.

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 13, 1993

Time: 12:55 P.M.

Act No. 93-184 H.J.R. 320 – Reps. Rockhold, Zoghby, McDowell,
Gullatt, Anderson, Barnes,
Beasley, Biddle, Black (L),
Black (M), Blakeney, Bowling,
Box, Bryant, Bugg, Burke, Buskey,
Butler, Cagle, Campbell, Carns,
Carothers, Carter, Clark (J),
Clark (W), Clay, Collins, Cosby,
Crow, Cullins, Curry, Dolbare,
Drake, Flowers, Ford, Freeman,
Fuller, Gaines, Gaston, Goodwin,
Grayson, Hall, Hamilton,
Hammett, Haney, Harper, Harvey,
Hawkins, Haynes, Higginbotham,
Hill, Hogan, Holladay, Holley,
Holmes, Hooper, Johnson,

Kennedy, Knight (A), Knight (J),
 Kvalheim, Laird, Layson, Letson,
 Lindsey, Mathis, McClain,
 McDaniel, McKee, McMillan,
 Melton, Mikell, Millican, Morrow,
 Morton, Newton (C), Newton (D),
 Parker (P), Parker (T), Payne,
 Penry, Perdue, Petelos, Poole,
 Powell, Rich, Richardson,
 Rogers (F), Rogers (J), Sanderford,
 Sanderson, Smith (C), Smith (R),
 Spratt, Starkey, Thomas, Turner,
 Turnham, Venable, Walker,
 Warren, White, Williams, Willis

HOUSE JOINT RESOLUTION

EXPRESSING CONCERN FOR REPRESENTATIVE JUNE BUGG.

WHEREAS, it is with great concern that we note the recent absence of our beloved colleague, Mrs. June Bugg; and

WHEREAS, we are deeply saddened and anguished by her serious illness; and

WHEREAS, we pray for Mrs. June Bugg and her family and friends at this time, and pray for her speedy recovery; and

WHEREAS, we miss her warmth, charm, compassion, good humor, and wisdom; and

WHEREAS, we are confident that Mrs. Bugg will muster the strength, courage, determination, and faith necessary to see her through this crisis and return to her duties in this House; and

WHEREAS, we commend Mrs. Bugg for her many years of service to this body and to the people of her district and state; and

WHEREAS, we hope and pray for the quick return of our dear friend, Mrs. June Bugg; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express our love and concern for Mrs. June Bugg and her family, and that we miss her greatly and pray for her safe return to us.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to our cherished friend and colleague, Mrs. June Bugg, that she may know of our love and respect for her.

Approved April 13, 1993

Time: 4:25 P.M.

Act No. 93-185

H. 437 – Reps. Zoghby, Kvalheim, Gaston,
Rockhold, Harper, Buskey

AN ACT

To amend Section 11-62-1 of the Code of Alabama 1975, as amended, which defines terms used in the chapter pertaining to municipal special health care facility authorities, so as to expand the definition of “eligible investment,” as used in that chapter.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-62-1 of the Code of Alabama 1975 is amended to read as follows:

“§11-62-1.

“(a) The following words and phrases used in this chapter, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

“(1) **AUTHORITY.** Any public corporation organized pursuant to this chapter.

“(2) **AUTHORIZED PURPOSE OBLIGATION.** The term includes either of the following:

“a. Any lease, note, installment sale contract, or any other obligation of a user, whether general or special, which was entered into, made, assumed, or otherwise incurred by the user, in whole or in part, for the purpose of financing the acquisition or ownership of one or more facilities, for the purpose of obtaining funds with which to operate one or more facilities or for any combination of those purposes.

“b. Any obligation of any kind which was entered into, made, assumed, or otherwise incurred by the United States of America or any department, agency, or instrumentality thereof, the state or any instrumentality or political subdivision thereof, or any corporation, partnership, trust, fund, foundation, corporation, or other legal entity, whether public or private, or joint venture of any two or more of any of the foregoing entities, and which is secured, in whole or in part, by a pledge or assignment of any obligation described in paragraph a. of this subdivision or is payable, in whole or in part, from payments made in respect of any such obligation, including, without limitation thereto, any obligation described in either paragraph a. of this subdivision or this paragraph that is guaranteed by the United States of America or by any department, agency, or instrumentality thereof.

“(3) **BOARD.** The board of directors of an authority.

"(4) COUNTY. Any county in the state.

"(5) DETERMINING MUNICIPALITY. With respect to an authority, any municipality whose governing body has made findings and determinations of fact pertaining to the organization of the authority in accordance with section 11-62-3.

"(6) DIRECTOR. A member of the board of an authority.

"(7) ELIGIBLE INVESTMENT. The term includes:

"a. Any time deposit with, or any certificate of deposit issued by, any bank organized under the laws of the United States of America or any state in which deposits are insured by the Federal Deposit Insurance Corporation or any department, agency, or instrumentality of the United States of America that may succeed to the functions of the corporation.

"b. Any debt securities that are direct, general obligations of the United States of America.

"c. Any debt securities, for which the payment of the principal of and interest is unconditionally guaranteed by the United States of America.

"d. Any debt securities that are direct, general obligations of any of the following agencies of the United States of America: the federal land banks, the federal intermediate credit banks, the banks for cooperatives, the federal home loan banks (including any joint obligations of any two or more of the foregoing agencies), the Federal Home Loan Mortgage Corporation (including participation certificates of the last named agency), and the Government National Mortgage Association (including participation certificates of the last named agency).

"e. Any debt securities that are direct, general obligations of the Federal National Mortgage Association.

"f. Prime commercial paper or finance company paper which is rated not less than prime one or the equivalent thereof by Moody's Investors Service, Inc., or Standard & Poor's Corporation, or their successors.

"g. Any debt obligation in which an insurance company organized under the laws of the state may legally invest its money at the time of investment by an authority.

"h. Any debt securities that are rated in one of the two highest rating categories by Moody's Investors Service, Inc., or Standard and Poor's Corporation, or their successors.

"(8) FACILITY. Any one or more buildings or facilities designed for use and occupancy as (i) a retirement home, nursing

home, convalescent home, apartment building, domiciliary facility, residence, or special care facility, or any combination of two or more thereof for the housing and care of elderly persons, whether or not the building or facility is required to be approved or licensed by any federal, state, or local governmental agency having jurisdiction in the planning or operation of health care facilities, or (ii) a hospital, nursing home, convalescent home, domiciliary facility, residence, or special care facility, or any combination of two or more thereof for the housing, care, and treatment of orphans, or persons who are sick, physically disabled or handicapped, or mentally ill or retarded, or other persons requiring special care, including, in the case of facilities described in either clause (i) of this subdivision or this clause, any land, buildings, medical or dental facilities, educational facilities, parking areas, garages, storage facilities, outbuildings, machinery, equipment, furniture, and fixtures necessary or desirable in connection therewith. If any facility is or will be located within the corporate limits of any municipality other than the determining municipality, or within any unincorporated area of any county other than the county or counties in which the determining municipality or any part thereof is located, no authority shall acquire, improve, or finance the facility, or acquire, hold, or pledge any acquired purpose obligation related to the facility, or in any other way assist any user in respect of the facility pursuant to this chapter, unless, in the case of any such facility located within the corporate limits of any municipality other than the determining municipality, the governing body of the other municipality shall adopt a resolution consenting to the actions in respect of the facility proposed to be taken by the authority and, in the case of any facility located within any unincorporated area of any county other than the county or counties in which the determining municipality or any part thereof is located, the governing body of the other county shall adopt a resolution consenting to the actions in respect of the facility proposed to be taken by the authority.

“(9) INCORPORATORS. The natural persons forming an authority pursuant to this chapter.

“(10) MUNICIPALITY. An incorporated municipality in the state.

“(11) STATE. The state of Alabama.

“(12) USER. Any corporation, partnership, trust, fund, foundation, corporation, or other legal entity or joint venture of any two or more thereof which is organized and operated exclusively for religious, charitable, or educational purposes or for purposes of promoting and providing for the housing, health, care or well-being, or both, of any part of the population requiring special care

and of which no part of the net earnings inures to the benefit of any private shareholder, member, or individual.

“(b) The terms “herein,” “hereby,” “hereunder,” “hereof,” and other equivalent words refer to this chapter as an entirety and not solely to the particular section or portion thereof in which any such word is used. The definitions set forth herein shall be deemed applicable whether the words defined are used in the singular or plural. Whenever used herein any pronoun or pronouns shall be deemed to include both singular and plural and to cover all genders.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1993

Time: 6:30 P.M.

Act No. 93-186

H.J.R. 246 – Reps. Butler, Hall, Haney, Grayson, Sanderford, Freeman, Richardson, Carter, Starkey, Hamilton, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Cagle, Campbell, Carns, Carothers, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hammett, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel,

McDowell, McKee,
 McMillan, Melton, Mikell,
 Millican, Morrow, Morton,
 Newton (C), Newton (D),
 Parker (P), Parker (T),
 Payne, Penry, Perdue,
 Petelos, Poole, Powell,
 Rich, Rockhold, Rogers (F),
 Rogers (J), Sanderson,
 Smith (C), Smith (R),
 Spratt, Thomas, Turner,
 Turnham, Venable,
 Walker, Warren, White,
 Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

EXPRESSING SUPPORT FOR THE SPACE STATION FREEDOM PROJECT.

WHEREAS, the people of the United States of America have reaped tremendous benefits from their investments in manned space exploration; and

WHEREAS, the people of the United States of America remain committed to the idea of exploring the heavens and investigating other planets in our solar system; and

WHEREAS, the next logical step in the exploration of space is the development of space laboratories and living quarters capable of sustaining extended space-crewed missions; and

WHEREAS, America needs to stimulate interest in the pure sciences to improve its education system, and Space Station Freedom will inspire young Americans to pursue careers in math and science excel by illustrating future opportunities; and

WHEREAS, Space Station Freedom will serve as a symbol of the new world order and an opportunity to focus our technical know how into joint international programs; and

WHEREAS, the Space Station Freedom program is the largest international venture in science and technology ever undertaken with 15 countries having already contributed over \$1 billion with commitments to spend over \$7 billion in the development program through a signed treaty agreement; and

WHEREAS, our investments in the space program and specifically in the Space Station Freedom Project will result in new medicines, materials, processes and technologies which will improve the quality of life on this planet and expand our economy in many ways which today can not be imagined; and

WHEREAS, our ability to compete in a global economy and develop new and innovative technologies has in large measure been commensurate with our investments in space exploration; and

WHEREAS, the Space Station Freedom Project is directly and indirectly responsible for the employment of 50,000 Americans involving 2,000 businesses in 30 states; and

WHEREAS, the aerospace industry, previously one of America's most vibrant industries, accounting for over 10 percent of all United States exports, has suffered serious dislocation in the last three years with over 282,000 or 20 percent of the workforce having been laid off; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we would encourage the Congress of the United States of America and the President of this great land to support and fund the Space Station Freedom Project.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the President and Vice-President of the United States and members of the Alabama Congressional Delegation.

Approved April 15, 1993

Time: 6:31 P.M.

Act No. 93-187

S.J.R. 80 – Senator Foshee

SENATE JOINT RESOLUTION

CONGRATULATING COLONEL AND MRS. WILLIAM R. LAWLEY, JR., ON THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, it is with great personal pleasure that the Legislature of Alabama congratulates Colonel and Mrs. William R. Lawley, Jr., on the occasion of their Golden Wedding Anniversary, April 21, 1993; and

WHEREAS, William R. (Bill) Lawley, Jr., a native of Alabama, and Amelia D. (Amy) Lawley of Texas were married on April 21, 1943, and over the ensuing years of Colonel Lawley's Air Force career, wherever Bill went, Amy followed—to Brazil and the Philippines, among numerous other duty stations, including four tours of duty at Maxwell Air Force Base, where they elected to retire; and

WHEREAS, Bill, the recipient of the Medal of Honor during World War II, and Amy, the recipient of a Senate Resolution in recognition of courage in combat during her career as a longtime Senate employee, are the parents of a son, Bill, III; two daughters, Sue and Anne; and the proud grandparents of two grandsons, four granddaughters and one great-granddaughter; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with their family and many friends in celebrating the 50th Wedding Anniversary, April 21, 1993, of Amy and Bill Lawley of Montgomery, Alabama, and do further direct that they receive a copy of this resolution, executed in warmest personal regard and with sincere best wishes to Amy and Bill, whose favorite songs, respectively, are "He's Just My Bill," and "Once in Love With Amy."

Approved April 15, 1993

Time: 6:32 P.M.

Act No. 93-188

S. 563 – Senator Ellis

AN ACT

Relating to Shelby County; authorizing the county commission to levy an additional one-cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax to retire the current indebtedness of the county; prescribing penalties and fixing punishment for violation of this act; and providing for a termination date.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall only apply to Shelby County.

Section 2. As used in this act, state sales and use tax means the tax imposed by the state sales and use tax statutes, including, but not limited to, Sections 40-23-1, 40-23-2, 40-23-3, 40-23-4, 40-23-60, 40-23-61, 40-23-62, and 40-23-63 of the Code of Alabama 1975.

Section 3. The County Commission of Shelby County may levy, in addition to all other taxes, including, but not limited to, municipal gross receipts license taxes, a one-cent privilege license tax against gross sales or gross receipts. Notwithstanding the foregoing, the amount of the tax authorized to be levied pursuant to this act upon each person, firm, or corporation engaged in the business of selling at retail any motor vehicle, truck trailer, semi-trailer, or house trailer shall be three tenths of one percent (.003)

of the sales price. Provided, however, when any used motor vehicle, truck trailer, semitrailer, or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax authorized to be levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

The gross receipts of any business and the gross proceeds of all sales which are presently exempt under the state sales and use tax statutes are exempt from the tax authorized by this act.

Section 4. The tax levied by the county commission pursuant to this act shall be collected by the State Department of Revenue or otherwise as provided by resolution of the Shelby County Commission at the same time and in the same manner as state sales and use taxes are collected. On or prior to the date the tax is due, each person subject to the tax shall file with the department a report in the form prescribed by the department. The report shall set forth, with respect to all sales and business transactions that are required to be used as a measure of the tax levied pursuant to this act, a correct statement of the gross proceeds of all the sales and gross receipts of all business transactions. The report shall also include items of information pertinent to the tax as the department may require. Any person subject to the tax levied pursuant to this act may defer reporting credit sales until after their collection, and in the event the person defers reporting them, the person shall thereafter include in each monthly report all credit collections made during the preceding month, and shall pay the tax due at the time of filing the report. All reports filed with the department under this section shall be available for inspection by the county commission, or its designee.

Section 5. Each person engaging or continuing in a business subject to the tax levied pursuant to this act, shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer because of the sale or admission. It shall be unlawful for any person subject to the tax to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount required to be added to the sale or admission price. It shall be unlawful for any person subject to the tax levied pursuant to this act to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption or refund of any portion of the tax.

Section 6. The tax levied pursuant to this act shall constitute a debt due Shelby County. The tax, together with any interest and penalties, shall constitute and be secured by a lien upon the property of any person from whom the tax is due or who is

required to collect the tax. The department shall collect the tax, enforce this act, and have and exercise all rights and remedies that the state or the department has for collection of the state sales and use tax. The department may employ special counsel as is necessary to enforce collection of the tax levied pursuant to this act and to enforce this act. The department shall pay the special counsel any fees it deems necessary and proper from the proceeds of the tax collected by it for Shelby County.

Section 7. All provisions of the state sales and use tax statutes with respect to the payment, assessment, and collection of the state sales and use tax, making of reports, keeping and preserving records, penalties for failure to pay the tax, promulgating rules and regulations with respect to the state sales and use tax, and the administration and enforcement of the state sales and use tax statutes which are not inconsistent with this act shall apply to the tax levied pursuant to this act. The State Commissioner of Revenue and the department shall have and exercise the same powers, duties, and obligations with respect to the tax levied pursuant to this act that are imposed on the commissioner and department by the state sales and use tax statutes. All provisions of the state sales and use tax statutes that are made applicable by this act to the tax levied pursuant to this act, and to the administration and enforcement of this act, are incorporated by reference and made a part of this act as if fully set forth herein.

Section 8. The department shall charge Shelby County for collecting the tax levied pursuant to this act in an amount or percentage of total collections as may be agreed upon by the commissioner and the Shelby County Commission. The charge shall not exceed five percent of the total amount of the tax collected in the county. The charge may be deducted each month from the gross revenues from the tax before certification of the amount of the proceeds due Shelby County for that month. The Commissioner of Revenue shall pay into the State Treasury all amounts collected under this act, as the tax is received by the department on or before the first day of each successive month. The commissioner shall certify to the State Comptroller the amount collected and paid into the State Treasury for the benefit of Shelby County during the month immediately preceding the certification. The State Comptroller shall issue a warrant each month payable to the County Treasurer of Shelby County in an amount equal to the certified amount which shall be paid into the county general fund and deposited into a special account to be used exclusively to pay off the indebtedness of the county that is existing on the effective date of this act. In addition thereto, any net proceeds resulting from the sale of the county sewer system, water system, or excess and unused property adjacent to the Shelby County Airport, and any non-recurring "one-time" "windfall" funds received by the Shelby

County Commission in any budget year while this tax is in effect, shall be deposited into a special account to be used exclusively to pay off the aforesaid existing debt which is existing on the effective date of this act. Upon certification by the chair of the county commission that such county indebtedness has been retired and that it no longer exists, or upon the expiration of 10 years from the first levy of this tax by the Shelby County Commission, whichever event first occurs, the tax levied pursuant to this act shall terminate and the provisions of this act and the tax shall automatically become null and void.

Section 9. During any period while this tax is actually levied, neither the present county commission, nor any subsequent county commission may create any new program requiring county funding, expand any existing program beyond that required to meet inflationary factors as evidenced by a nationally recognized Consumer Price Index, create any new personnel positions, provide grants or other funds to any nongovernmental agency unless such measure or expenditure is approved by the affirmative vote of at least seven of the nine members of the county commission. In no event, however, shall anything contained herein be construed to authorize the use of any part of the proceeds from the tax herein authorized to be used for any purpose whatsoever except for the payment of debt existing on the effective day of this act.

Section 10. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 11. This act shall become effective on the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 15, 1993

Time: 6:35 P.M.

Act No. 93-189

H.J.R. 323 – Rep. Clark (J)

HOUSE JOINT RESOLUTION

COMMENDING DR. WILLIAM D. MOORER UPON HIS RETIREMENT AS A MEMBER OF THE EUFAULA CITY BOARD OF EDUCATION.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes Dr. William D. Moorer upon his retirement, April 1993, following 40 years of distinguished service as a member of the Eufaula City Board of Education; and

WHEREAS, Dr. William D. Moorer, a successful dentist in the Eufaula community, has faithfully served the Eufaula City Board of Education since May of 1953 and, during his long and dedicated tenure, has exhibited outstanding integrity, dedication to duty, and keen interest in the needs of boys and girls, and has consistently made objective decisions based entirely on what he felt best for students, faculty, the school system, and the community; and

WHEREAS, over the years, Dr. Moorer has served seven terms as chairman and has attended 830 board meetings as well as innumerable other school functions, and his tenure of service has indeed been crucial to the Eufaula City Schools; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his outstanding service to the students, parents, citizens and community served by the Eufaula City School System, and upon the occasion of his retirement, we hereby most highly commend Dr. William D. Moorer, for whom a copy of this resolution of sincere tribute and regard shall be provided.

Approved April 20, 1993

Time: 3:25 P.M.

Act No. 93-190

H. 246 – Rep. Harper

AN ACT

To make supplemental appropriations to the Alabama Department of Economic and Community Affairs in the amounts of \$795,000 from the State General Fund and \$700,000 from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1993 and to appropriate \$629,321 from the State General Fund for the fiscal year ending September 30, 1994.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all appropriations heretofore or hereafter made, there is hereby appropriated to the Alabama Department of Economic and Community Affairs from the State General Fund the sum of \$745,000 for the fiscal year ending September 30, 1993.

Section 2. The supplemental appropriation in Section 1 of this act to the Alabama Department of Economic and Community Affairs shall be expended for the following programs or projects in the following amounts:

- | | |
|--------------------------------------|-----------|
| a. Planning Program: | \$470,000 |
| b. The Birmingham Transit Authority: | \$250,000 |
| c. Atmore Rest Stop/Welcome Center: | \$25,000 |

Section 3. In addition to all other appropriations made to the Alabama Department of Economic and Community Affairs, there is appropriated to the department from the State General Fund the sum of \$50,000 for the fiscal year ending September 30, 1993 and the sum of \$629,321 for the fiscal year ending September 30, 1994.

Section 4. The appropriations provided to the Alabama Department of Economic and Community Affairs in Section 3 of this act shall be expended for a planning program in anticipation of federal funds to be received from the Economic Stimulus Program of the President of the United States for the State Community Development Block Grant Program and to administer and match those funds. In addition to the funds appropriated in Section 3, the department may also expend funds otherwise appropriated to it for the same purposes.

Section 5. In addition to all other appropriations made to the Alabama Department of Economic and Community Affairs, there is hereby appropriated \$700,000 from the Alabama Special Educational Trust Fund for the fiscal year ending September 30, 1993.

Section 6. The supplemental appropriations in Section 3 of this act are contingent upon receipt of the federal notice of funding from the Department of Housing and Urban Development for the Economic Stimulus Program.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this act are repealed.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 20, 1993

Time: 3:30 P.M.

Act No. 93-191

S. 346 – Senator Ellis

AN ACT

To amend Section 36-27-6, Code of Alabama 1975, to prescribe terms and conditions whereby certain employees of state or county agencies and departments may become members of the Employees' Retirement System of Alabama.

Be it Enacted by the Legislature of Alabama:

Section 1. Section 36-27-6, Code of Alabama 1975, is amended to read as follows:

“§36-27-6.

“(a) The governing board of any county, city, town or public or quasi-public organization of the state or of any political subdivision thereof or the Alabama extension service and agricultural experiment station system of Auburn University may, by resolution legally adopted to conform to rules prescribed by the board of control, elect to have its officers and employees from whatever sources and in whatever manner paid become eligible to participate in the retirement system; and the adjutant general of the state, with the approval of the governor, may, by application properly prepared and submitted in conformity with rules prescribed by the board of control, elect to have those employees of the Alabama national guard employed pursuant to 32 U. S. C. A., section 709, and paid from federally appropriated funds, become eligible to participate in this retirement system. The terms ‘officers’ and ‘employees’ as used in this section shall include those persons appointed or employed by the individual officers and performing their duties in public offices.

“Acceptance of the employee of such an employer for membership in the retirement system shall be optional with the board of control; and, if it shall approve their participation, it shall set the date, which shall not be prior to October 1, 1946, when participation shall become effective, and then such employees may become members of the retirement system and participate therein as provided in the provisions of this section. Notwithstanding anything to the contrary in this section, employees of any such employer who are members of any retirement, pension or benefit fund partially or wholly supported by public funds shall not be entitled to become members of this retirement system.

“(b) Membership in the retirement system shall be optional for employees of the employer who are in the service of the employer on the date when participation becomes effective, and any such employee who elects to join the retirement system within one year thereafter shall be entitled to a prior service certificate covering such periods of previous service as shall be certified as creditable service by his employer for service rendered to such employer, or his predecessor, or the state, or in any other capacity approved by the employer and the board, for which the employer is willing to make accrued liability contributions. Thereafter service for such employee on account of which the employer pays contributions shall be considered also as creditable service.

“(c) Membership shall be compulsory for all employees entering the service of such employer after the date participation becomes effective.

"(d) Should a majority of the members of any retirement, pension, annuity fund or retirement system of any employer, hereafter referred to as a local pension system, elect to become members of the retirement system, by a petition duly signed by such members, the participation of such members in the retirement system may be approved as provided in subsection (a) of this section as though such local pension system were not in operation, and the provisions of this section shall thereupon apply; except, that the existing pensioners or annuitants of the local pension system who were being paid pensions on the date of the approval shall be continued and paid at their existing rates by the retirement system, and the liability on this account shall be included in the computation of the accrued liability rate as provided by subsection (f) of this section. Any cash and securities to the credit of the local pension system shall be transferred to the retirement system as of the date of approval. The trustees or other administrative head of the local pension system as of the date of approval shall certify the proportion, if any, of the funds of the system that represents the accumulated contributions of the members, and the relative shares of the members as of that date. Such shares shall be credited to the respective employee annuity savings accounts of such members in the retirement system as additional contributions. The balance of the funds transferred to the retirement system shall be offset against the accrued liability before determining the special accrued liability contribution to be paid by the employer as provided by subsection (f) of this section. The operation of the local pension system shall be discontinued as of the date of the approval.

"(e) The chief fiscal officer of the employer, and the heads of its departments, shall submit to the board of control such information and shall cause to be performed in respect to the employees of said employer such duties as shall be prescribed by the board in order to carry out the provisions of this article.

"(f) The actuary of the retirement system shall compute the rates of contributions payable by employees who become members under the provisions of this section in the same manner as if they were state employees and shall compute the contributions which would be payable annually by the employer on behalf of such members as though they were state employees; except, that each employer of members participating in the system as provided in this section shall make a special accrued liability contribution on account of the participation of its officers and employees in the retirement system which shall be determined by an actuarial valuation of the accrued liability on account of the employees of such employer who elected to become members, in the same manner as the accrued liability rate was originally determined for state employees. This special accrued liability contribution, subject to

such adjustment as may be necessary on account of any additional prior service credits awarded to employees of such employer, shall be payable in lieu of the accrued liability contribution payable on account of other employees in the system. The expense of making such initial valuation shall be assessed against and paid by the employer on whose account it is necessary. The contributions so computed, together with a pro rata share of the cost of the administration of the retirement system, based upon the payroll of the employees, shall be certified by the board of control to the chief fiscal officer of the employer. The amounts so certified shall be a charge against the employer. The chief fiscal officer of each such employer shall pay to the state treasurer the amount certified by the board as payable under the provisions of this section, and the state treasurer shall credit such amounts to the appropriate funds of the retirement system.

“(g) Employees who become members under this section and on behalf of whom contributions are paid as provided in this section should be entitled to the benefits under the retirement system as though they were state employees.

“(h) The agreement of any employer to contribute on account of its employees shall be irrevocable, but should an employer for any reason become financially unable to make the normal and accrued liability contributions payable on account of its employees, then such employer shall be deemed to be in default. All members of the retirement system who were employees of such employer at the time of default shall thereupon be entitled to discontinue membership in the retirement system and to a refund of their previous contributions upon demand made within 90 days thereafter. As of a date 90 days following the date of such default, the actuary of the retirement system shall determine by actuarial valuation the amount of the reserve held on account of each remaining active member and pensioner of such employer and shall credit to each such member and pensioner the amount of reserve so held. The reserve so credited, together with the amount of the accumulated contributions of each such active member, shall be used to provide for him a paid-up deferred annuity beginning at age 60, and the reserve of each pensioner shall be used in providing such part of his existing pension as the reserve so held will provide, which pension, together with his annuity, shall thereafter be payable to him. The rights and privileges of both active members and pensioners of such employer shall thereupon terminate, except as to the payment of the deferred annuities so provided and the annuities and pensions, or parts thereof, provided for the pensioners.

“(i) Notwithstanding anything to the contrary, the retirement system shall not be liable for the payment of any pensions or other benefits

on account of the employees or pensioners of any employer under this section, for which reserves have not been previously created from funds contributed by such employer or its employees for such benefits.

“(j) The agreement of any employer to contribute on account of its employees shall be irrevocable except that by mutual consent any employer, and its employees desiring to withdraw from the employees’ retirement system as a unit, may do so by complying with the following provisions:

“(1) The employer, by resolution of the governing body, shall signify its intention and desire to withdraw from the employees’ retirement system in writing and shall deliver copy of such resolution, together with the signatures of members as provided in subdivisions (2) and (3) of this subsection, to the board of control of the employees’ retirement system.

“(2) Each member of such employer contributing on the date that the unit withdraws shall agree in writing to waive his rights, privileges and vested interest under the provisions of the Employees’ Retirement System Act, and shall agree to have his accumulated contributions with interest, as is provided to a member upon withdrawal, transferred to the employer and retained or expended in accordance with applicable local law.

“(3) Each member of such employer who is not contributing on the date that the unit withdraws shall have his contributions plus interest retained in the state employees’ retirement system, and shall be governed under the applicable laws, except those who agree as in subdivision (2) of this subsection, in which event, their accumulated contributions with interest as is provided to a member upon withdrawal shall be treated in the same manner as in subdivision (2) of this subsection.

“(4) The rights and privileges of existing beneficiaries of such employer shall neither be diminished, nor impaired, and the actuarial determination of the reserves necessary to provide the existing benefits shall be determined by the actuary employed by the state employees’ retirement system, and shall be certified to the governing body of the withdrawing unit, who shall agree to maintain such rights and privileges, and to maintain the reserves, as certified, for the existing beneficiaries. Should the reserves prove inadequate, such employer shall agree to appropriate such amounts as may be necessary to maintain the existing benefits. The signatures of the existing beneficiaries agreeing to waiver of their rights and privileges, and vested interest in the employees’ retirement system, and transfer of their accounts to the local employer shall be obtained by the employing unit. In the event any beneficiary declines to agree and sign such waiver of his rights and privileges, the reserves in the annuity reserve fund and pension reserve fund

for such beneficiary shall be maintained by the employees' retirement system under such rules and regulations as the board of control may adopt, and such reserves as may be determined by the actuary as necessary shall be retained out of any money which the withdrawing unit has remitted to the retirement system. Upon transfer of such funds to the employer the employees' retirement system shall not be liable for the payment of any annuities or pensions or other benefits on account of such beneficiaries.

"(5) The board of control of the employees' retirement system shall promulgate such rules and regulations as are necessary to the termination of such employers' and employees' participation in the employees' retirement system and shall determine the amounts returnable to the employer and employees upon the actuarial valuation of such amounts by the actuary. Any actuarial or extraordinary expenses involved in such termination and transfer of funds, if in excess of present administrative expense, shall be deducted from any funds returnable to the employer, but no transfer of funds shall take place in less than 90 days subsequent to date of notification of intention to withdraw by the employer subsequent to June 10, 1953.

"(k) Notwithstanding the provisions of subsection (a) and (d) of this section, should a majority of the employees of any county board, department, or agency responsible for the local administration of a program for a state board, department, or agency, that are members of a retirement, pension, annuity fund, or retirement system, other than the Employees' Retirement System, together with any other separate employer, hereafter referred to as a local pension system, elect to become members of the Employees' Retirement System by a petition for membership duly signed by the members of the county board, department, or agency, the participation of the county employees in the Employees' Retirement System may be approved upon legal adoption of a resolution by the governing board of the county department, agency, or board that conforms to the membership rules for local pension systems prescribed by the Board of Control of the Employees' Retirement System. Notwithstanding any rules or procedures prescribed by the Board of Control, the existing county board, department, or agency pensioners or annuitants belonging to the local pension system and being paid pensions by the local system on the date of approval of the resolution, shall continue to be paid their pension benefits at their existing rates by the Employees' Retirement System upon commencement of their participation in the Employees' Retirement System, and the vested inactive members of the local pension system who are not receiving benefits on the effective date of this act, shall be entitled to begin receiving from the Employees' Retirement System the amount of any benefits that they have vested under the local pension system upon meeting the eligibility requirements of

the local pension system, and any liability for assumption by the Employees' Retirement System of both the current benefits and the vested benefits shall be included in the computation of the accrued liability rate as provided in subsection (f) of this section. On the approval date of the resolution, the trustees or other administrators of the local pension system shall immediately require the actuary for the local system to determine the share of pension system assets to be allocated to the county board, department or agency on behalf of its employees, pensioners, annuitants, and vested inactive members by means of reconstruction of all contributions made to the local pension system by the county board, department, or agency and its employees since commencing participation in the local pension system, increased by return on investments, and decreased by payment of retirement benefits and withdrawals by employees who have withdrawn their contributions from the local pension system.

"The share of pension system assets as may be finally determined to be allocated on behalf of the county health department employees shall be transferred to the Employees' Retirement System at a time and in a manner as agreed upon by and among the governing board of the county board, department, or agency, the trustees or other administrators of the local pension system, and the Employees' Retirement System. In no event shall the transfer be delayed longer than six months from the date of acceptance of the resolution by the Board of Control of the Employees' Retirement System.

"The operation of the local pension system shall continue from and after the withdrawal of the county board, department, or agency employees, pensioners, annuitants, and vested inactive members from the local pension system."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 20, 1993

Time: 4:00 P.M.

Act No. 93-192

S.J.R. 76 – Senator Corbett

SENATE JOINT RESOLUTION

COMMENDING COACH DOUG KEY AND THE CHATTAHOOCHIE VALLEY STATE COMMUNITY COLLEGE BASKETBALL TEAM ON ITS CHAMPIONSHIP SEASON.

WHEREAS, the Chattahoochee Valley State Community College basketball team completed the 1992-1993 regular season with a record of 27 wins and no losses; and

WHEREAS, the Chattahoochee Valley State Community College basketball team had a record of 29 consecutive wins which is the record in this state before losing their final game in the state tournament; and

WHEREAS, under the brilliant leadership and direction of Head Coach Doug Key and Assistant Coaches Rick Shepler and Kash Beauchamp, team members Pat Armour, Tommie Spearman, Bland Morris, Eric Norris, Steven Woodsen, Donald Burks, Mannon Zellner, Jarvis Zellner, Marcus Watkins, Rod Richardson, Brian Corie, Lorenza Pharrams, and Chris Collins finished with an undefeated regular season; and

WHEREAS, the Chattahoochee Valley State Community College basketball team was ably assisted by managers Charles Woody and Ricardo Henderson and score keeper, Angel Price; and

WHEREAS, Pat Armour was named most valuable player Central Division, All State Tournament most valuable player, and to the All Region Team and Tommie Spearman was named to the All Central Division Team, All State Tournament Team, and the All Region Team, and Coach Doug Key was named Coach of the Year, Central Division; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate the coaches and team members on their victorious season and do further direct that copies of this resolution be presented to Chattahoochee Valley State Community College President Bob Boothe and Coach Doug Key for appropriate display.

Approved April 22, 1993

Time: 5:30 P.M.

Act No. 93-193

S.J.R. 77 – Senator Dial

SENATE JOINT RESOLUTION

CONGRATULATING THE CHEROKEE COUNTY HIGH SCHOOL LADY WARRIORS ON THE 1993 STATE CLASS 4A BASKETBALL CHAMPIONSHIP.

WHEREAS, the Legislature of Alabama herein pays tribute to the Lady Warriors from Cherokee County High School who, in a

repeat of last year's performance, captured the Class 4A Basketball Championship—their second State Title in a row; and

WHEREAS, the Lady Warriors, who were the first team to win back-to-back championships since the formation of classification 4A, ended the season with a fantastic 28-2 overall record, including tournament victories over Muscle Shoals, Clarke County and, in the finals, a 66-58 defeat of #1-ranked Buckhorn High; and

WHEREAS, the season accomplishments of the Lady Warriors from Centre were achieved under Head Coach Jana McGinnis in her first year at Cherokee County High, after serving as a graduate assistant coach for Jacksonville State University (JSU) where she played basketball four years, along with her twin sister, Dana, and was named All Gulf South Conference, broke JSU and GSC assist and steal records, and had her jersey retired; and

WHEREAS, the Champion Lady Warriors are Leah Monteith, who was a Co-Captain, All-County, All-Area, All-State and also MVP of the 4A State Tournament and Cherokee County MVP; Kim Rodgers, a Co-Captain, All-Area, All-County and All-State; and Saconda Perry, All-County, All-Area and All-State; along with their talented teammates Stacey Ware, Kelly Rains, Tracy Clifton, twins Lana and Leah Highfield, twins Theresa and Malinda Wood, Missy Turner, Kacy James, Jonna Miller, twins Heather and Henna Moon, and Leigh Glass; and

WHEREAS, providing encouragement to the team, students and other fans were cheerleaders Kathryn Yarbrough, Kelly Coffey, Amy Hill, Kara Sayre, Mandi Stinson, Lana Highfield, Selena Roberts, Joanna Bazemore, Holly Hill, Clorice Stubbs, Leah Highfield and Kacy James; and

WHEREAS, we further note with praise that two of the senior members have received full scholarships, one-third of the players have maintained a 90 or above GPA, all players are members of the Fellowship of Christian Athletes, there are three sets of twins on the team, and Coach McGinnis is a twin also; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, and as back-to-back State 4A Basketball Champions (1992 and 1993), we hereby most highly commend Coach Jana McGinnis and the Lady Warriors of Cherokee County High School, and do further direct that copies of this resolution be prepared for appropriate presentation and school display.

Approved April 22, 1993

Time: 5:31 P.M.

Act No. 93-194

S.J.R. 78 – Senator Dial

SENATE JOINT RESOLUTION

COMMEMORATING THE LIFE AND SERVICE OF THE
LATE ROY KNAPP OF CENTRE, ALABAMA.

WHEREAS, the late Roy Knapp of Centre, Alabama, died January 24, 1992, at the age of 77 years, leaving an unfathomable void in the life of the community, but a legacy that is deeply treasured by all those whose lives he touched; and

WHEREAS, Roy Knapp, a high school football coach with a career record of 257-91-5 during his 42 years in coaching, impacted greatly upon the futures of countless youths, to whom he was counselor, mentor and friend; and

WHEREAS, Coach Knapp's sports career began in the early 1930's, playing summer baseball in various towns in Alabama, Mississippi, Florida, North Carolina, and also in Ware Shoals, South Carolina, where he met Janie Lou Holcombe whom he married in 1944; and

WHEREAS, it was in high school coaching, however, that Coach Knapp's positive influence changed so many young lives for the better by instilling in his players and students such sterling attributes as sportsmanship, commitment, fair play, determination, spirit, and also the importance of bouncing back from defeat and learning from the experience; and

WHEREAS, among those whose lives were most deeply affected by Coach Knapp was his son, Buddy, who is now in his 23rd year as Head Football Coach, Boys Basketball Coach and Athletic Director at Mount Zion High School in Mount Zion, Georgia; theirs was a close relationship as, together, they became Christians and were baptized some forty years ago, served together on the same faculty and coaching staff from 1967-69, and enjoyed a coach-player relationship when Buddy was a student at Gaylesville High School; and

WHEREAS, Coach Roy Knapp was indeed an extraordinary man whose death is yet mourned by his family, many friends, former students, and the entire community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commemorate the life and service of the late Coach Roy Knapp of Centre, Alabama, and do further direct that copies of this resolution be provided for his beloved wife and son, and for his grandsons,

Brady Keith and Brian Scott Knapp, that they may know we sincerely share the sorrow of their great and grievous loss.

Approved April 22, 1993

Time: 5:32 P.M.

Act No. 93-195

S.J.R. 79 – Senators Hale and Dial

SENATE JOINT RESOLUTION

COMMENDING DELTACOM FOR ITS CONTRIBUTIONS TO PUBLIC EDUCATION.

WHEREAS, DeltaCom, the largest Alabama-owned and operated long-distance telephone company, is admirably and generously assisting public education in our state; and

WHEREAS, locally-based DeltaCom has created LessonLine and SmartTalk, educational incentives to help increase parent participation and boost funding for local schools; and

WHEREAS, in October 1992, DeltaCom introduced LessonLine, an educational voice mail service parents may use to stay abreast of their children's educational activities, the goal of LessonLine being to disseminate school information while encouraging parental participation in the daily education of their children; and

WHEREAS, from December 1992 through January 1993, LessonLine has generated more than 260,000 calls from participating parents and students; currently LessonLine has been implemented in 10 systems and 250 schools, including school systems in Montgomery, Mobile, Fairfield, Vestavia Hills, Midfield, Homewood, Birmingham, Mountain Brook, and Tarrant, increasing total availability to 150,000 homes throughout Alabama; and

WHEREAS, in April 1992, DeltaCom initiated SmartTalk, a program designed to increase funding for Alabama schools by allocating a portion of every long distance bill to the customer's designated school; and

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily commend DeltaCom for its corporate educational benevolence and its unselfish and enthusiastic acceptance of its corporate and community responsibilities. We further instruct that a copy of this resolution be

delivered to the offices of DeltaCom so that this company may know of our appreciation and admiration.

Approved April 22, 1993

Time: 5:33 P.M.

Act No. 93-196

S.J.R. 81 – Senator deGraffenried

SENATE JOINT RESOLUTION

COMMENDING CAMILLE WRIGHT COOK FOR OUTSTANDING CONTRIBUTIONS AND SERVICE TO THE UNIVERSITY OF ALABAMA SCHOOL OF LAW.

WHEREAS, in noting the imminent retirement of Camille Wright Cook, Professor of Law, The University of Alabama School of Law, the Alabama Legislature expresses highest commendation of her many contributions to the University; and

WHEREAS, Camille Cook, a graduate of the University of Alabama with the A.B. degree, received her J.D. degree from the University's School of Law, and has distinguished herself in dedicated service to her Alma Mater since 1968; and

WHEREAS, Professor of Law from 1978 to the present, Ms. Cook served the University prior to that time in various capacities and, concurrently with her present position, has served as Director of Continuing Legal Education, 1981; Assistant Academic Vice President, 1983-1985; and John S. Stone Professor of Law, 1992; and

WHEREAS, she further has been professionally involved through activities of the Smithsonian Council of Smithsonian Institution; Governor's Working Party to Draft New Constitution, member, 1979-1980; Reporter, Alabama Adoption Committee, Alabama Law Institute; and as an At-Large Fellow, American Bar Foundation, 1992; and

WHEREAS, Professor Cook also has been recognized on numerous occasions with such distinctions as "The Award of Special Merit," Rawles/American Law Institute/American Bar Association, 1983; "Outstanding Commitment to Teaching Award," 1990; and the "Sam W. Piper Distinguished Alumni Award," 1992; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition

of faithful and distinguished service to the University of Alabama, we hereby commend Camille Wright Cook, for whom a copy of this resolution of highest personal regard shall be provided.

Approved April 22, 1993

Time: 5:33 P.M.

Act No. 93-197

S.J.R. 84 – Senator Campbell

SENATE JOINT RESOLUTION

COMMENDING THE CANADIAN FORCES SNOWBIRDS.

WHEREAS, as designated by HJR 6, Act No. 91-755, First Extraordinary Session 1991, of the Alabama Legislature, the month of October is Aviation History Month in the State of Alabama, and coincides with the annual “Wings In Autumn International Air Show” at Courtland Air Base, Courtland, Alabama, the site of a U. S. training base for airmen during World War II; and

WHEREAS, the October 1993 “Wings in Autumn International Air Show” features the Canadian Forces Snowbirds, which comprise the 431 Air Demonstration Squadron of the Canadian Military Forces, and is making its only appearance in the Southeast at Courtland Air Base, with demonstrations scheduled for October 1st, 2nd, and 3rd; and

WHEREAS, the Snowbirds, all of whom are volunteers, are selected on a highly competitive basis, and their chosen aircraft is the Canadian CT-114 “Tutor” jet trainer, which doubles as demonstration and transport aircraft and carries team members, including the volunteer ground crew, and equipment to show sites; and

WHEREAS, serving as ambassadors for Canada and its Armed Forces, the 1993 Snowbirds are carrying on the tradition of aerial perfection and professionalism established by their predecessors with a spectacular demonstration that includes an opening series of formation maneuvers featuring all nine planes, as well as various aerobatic patterns of up to seven aircraft interspaced with two opposing solos—a precision aerial ballet traced out by trails of white smoke in the sky; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and performance, we

hereby most highly commend the Canadian Forces Snowbirds, to whom a copy of this resolution shall be presented in small token of our sincere praise and in welcome to the State of Alabama.

Approved April 22, 1993

Time: 5:34 P.M.

Act No. 93-198

S.J.R. 85 – Senators deGraffenried, Dixon, Amari, Bailey, Barron, Bennett, Bolling, Campbell, Corbett, Denton, Dial, Ellis, Escott-Russell, Figures, Floyd, Foshee, Ghee, Hale, Hill, Horn, Langford, Lindsey, Lipscomb, Little, Mitchell, Mitchem, Owens, Parsons, Sanders, B. Smith, J. Smith, Waggoner, Wilson and Windom

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. SYBIL HUEY SMITH LEBHERZ OF FORT WALTON BEACH, FLORIDA.

WHEREAS, the Legislature of Alabama grievously records the death of Sybil Huey Smith Lebherz of Fort Walton Beach, Florida, on March 30, 1993; and

WHEREAS, a native of Ramer in Montgomery County, and a former longtime resident of Mobile, Mrs. Lebherz was educated at Troy State University, Huntingdon College and the University of Montevallo, and taught school prior to her marriage to the late Malcolm White Smith; and

WHEREAS, Mrs. Lebherz, who was involved in leadership and service with numerous civic, cultural, and educational activities, also was a well-known philanthropist whose generosity was of inordinate benefit to the Alabama School of Mathematics and Science where the school's auditorium was dedicated in her honor; to Huntingdon College in Montgomery where the fine arts building is named the Sybil Smith Lebherz Music Building; and, in Fort Walton Beach, to the YMCA playground which was dedicated in her honor in 1985, in gratitude for her faithful support, and for her service on the facility's building committee, of which she was named honorary chairwoman in 1983; and

WHEREAS, she further contributed generously to the Mary Esther United Methodist Church youth building, as well as other special needs of the church; to the First Presbyterian Church of Mary Esther; and to the Fort Walton Beach Ballet Association and the Florida Sheriffs' Youth Fund, among countless other charities and organizations, many of which joined together to hold an appreciation night, in 1984, to express their gratitude for her on-going and loyal support; and

WHEREAS, additionally, she was involved with the Mobile Community Foundation, Mobile Arts Council and the Mobile Association of Retarded Citizens, and was a member of the M. W. Smith Foundation; and

WHEREAS, Mrs. Sybil Lebherz was indeed a very kind, loving and compassionate person whose lamentable death has left an unfathomable void in the hearts of all those whose lives she touched through genuine care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Sybil Huey Smith Lebherz, and extend our very deepest sympathy to her daughters, Ann Bedsole and Maida Pearson; to her step-daughter and step-son, Jean Peterson and Jack Lebherz; to her eight grandchildren and seven great-grandchildren; and to her sister, Margaret Huey, for whom copies of this resolution shall be provided that they all may know we sincerely share their great and grievous loss of a loving and caring mother, grandmother and sister, and the loss that is felt by all those whose lives are infinitely better for her having lived.

Approved April 22, 1993

Time: 5:35 P.M.

Act No. 93-199

S.J.R. 86 – Senator Sanders

SENATE JOINT RESOLUTION

COMMENDING COACH CATHY TRIMBLE, THE FRANCIS MARION GIRLS BASKETBALL TEAM AND FRANCIS MARION HIGH SCHOOL FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with heartiest congratulations that the Alabama Legislature commends the Francis Marion High School Girls Basketball Team on the spectacular success of the 1992-93 basketball season and their achievement in state competition; and

WHEREAS, the Francis Marion team, the first girls team in Perry County to compete in the championships, placed as runner-up to the Alabama High School Class 3A State Championship with an impressive 24-4 season record; and

WHEREAS, ably and expertly led by Coach Cathy Trimble, the talented team members are Leslye Essex, Estella Moore, LaShonna Howze, Zamika Essex, Shelicia Morton, Tuska Kynard, LaShawnon Moore, Latory Essex, Angie Parker, Sonya Hogue, and Sonya Anderson and Shirleather Hogue who were placed on the Class 3A All Tournament Team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with great pleasure that we commend Coach Cathy Trimble, her outstanding team and Francis Marion High School on the extraordinary accomplishments of the 1992-93 basketball season, and do further direct that copies of this resolution be provided for appropriate presentation and school display.

Approved April 22, 1993

Time: 5:36 P.M.

Act No. 93-200

S.J.R. 87 – Senator Sanders

SENATE JOINT RESOLUTION

COMMENDING COACH DANNY CRENSHAW, THE FRANCIS MARION RAMS, AND FRANCIS MARION HIGH SCHOOL ON THEIR CHAMPIONSHIP BASKETBALL SEASON.

WHEREAS, the Legislature of Alabama, in highest commendation, congratulates Coach Danny Crenshaw, his 1993 Rams Basketball Team and Francis Marion High School on the State Class 3A Basketball Title; and

WHEREAS, under the talented direction and guidance of Coach Crenshaw and Assistant Coach Joseph Pettway, the Rams finished the season with an outstanding 30-3 record, defeating both Litchfield and Aliceville High Schools in the State Tournament Preliminaries, then downing the undefeated and top-ranked Winfield Pirates 82-75 for the State Championship; and

WHEREAS, special accolades should go to Chris Bell who participated in all the teams' practice sessions and all 33 games; Greg Tolbert who pulled down a state tournament record 51 rebounds;

Elmer Collins who hit the winning basket in the area tournament, sending the Rams to state; and Aldred Reed and Derick Shaw whose contributions led greatly to the Rams' success; along with their talented teammates John Oliver, Kelvin Acoff, Johnnie McCalpine, James Lucky, Katonio Crews, Takia Lapsley, Richard Moore, and Emmitt Jackson, all of whom are to be most heartily congratulated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coaches Danny Crenshaw and Joseph Pettway, the 1993 Rams and Francis Marion High School on the State Class 3A Championship, and do further direct that copies of this resolution be provided for appropriate presentation and school display.

Approved April 22, 1993

Time: 5:37 P.M.

Act No. 93-201

S.J.R. 88 – Senator Waggoner

SENATE JOINT RESOLUTION

COMMENDING SARALEE H. ROSENBERG FOR OUTSTANDING PROFESSIONAL ACHIEVEMENT AND SERVICE.

WHEREAS, it is with highest commendation and esteem that the Legislature of Alabama recognizes Mrs. Saralee H. Rosenberg, author and free-lance writer who has co-authored with her husband, Lee Rosenberg, two best selling relocation guides; and

WHEREAS, Mrs. Rosenberg interviewed virtually thousands of experts on how to effectively relocate; conducted in-depth interviews with hundreds of transplants with firsthand knowledge of the emotional, financial, and practical import of a relocation; and included her personal experiences in relocating, as she has relocated a dozen times and counting; and

WHEREAS, being a mother of three young children, Mrs. Rosenberg well understands the personal stress and financial demands placed on young mothers and their families today; and

WHEREAS, Mrs. Rosenberg, as a result of her experience and knowledge of relocation and places to retire, has selected the City of Vestavia Hills, Alabama, as one of the "50 Fabulous Places To Raise Your Family"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of

Mrs. Rosenberg's expertise and her selection of Vestavia Hills, Alabama, as one of the "50 Fabulous Places To Raise Your Family," we hereby most highly commend Mrs. Saralee H. Rosenberg, author, free-lance writer, and mother, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

Approved April 22, 1993

Time: 5:38 P.M.

Act No. 93-202

S.J.R. 89 – Senator Waggoner

SENATE JOINT RESOLUTION

COMMENDING DANIEL M. MURCHISON, JR., ON THE OCCASION OF HIS RETIREMENT FROM UNIVERSAL UNDERWRITERS GROUP.

WHEREAS, the Alabama Legislature, in noting the retirement, effective May 1, 1993, of Daniel M. Murchison, Jr., as Regional Sales Manager for Universal Underwriters Group, also notes the many accomplishments of his career that spans a period of more than 29 years; and

WHEREAS, Dan Murchison of Birmingham, a native of Bessemer and a lifelong resident of Alabama, is a graduate of Bessemer High School, and of the University of Alabama where he received his degree in 1960; and

WHEREAS, Mr. Murchison, who joined Universal Underwriters on August 17, 1964, as an Account Executive, has served since his promotion on October 1, 1971, as Regional Sales Manager and, through great dedication and commitment to his employer, has been an invaluable part of the company's success, and the excellent reputation it enjoys within the insurance industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Daniel M. Murchison, Jr., of Birmingham, Alabama, on the occasion of his retirement from Universal Underwriters Group; we further most heartily congratulate Mr. Murchison on his accomplished career, and direct that he receive a copy of this resolution, executed in highest personal regard and with warm best wishes for every future success and happiness in life.

Approved April 22, 1993

Time: 5:39 P.M.

Act No. 93-203

S. 503 – Senator Barron

AN ACT

To amend Section 8-19-5, Code of Alabama 1975, relating to the Deceptive Trade Practices Act, to add provisions relating to the sales of materially damaged motor vehicles.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8-19-5, Code of Alabama 1975, is amended to read as follows:

“§8-19-5.

“The following deceptive acts or practices in the conduct of any trade or commerce are hereby declared to be unlawful:

“(1) Passing off goods or services as those of another, provided that this section shall not prohibit the private labeling of goods or services.

“(2) Causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services.

“(3) Causing confusion or misunderstanding as to the affiliation, connection, or association with, or certification by another, provided that this section shall not prohibit the private labeling of goods or services.

“(4) Using deceptive representations or designations of geographic origin in connection with goods or services.

“(5) Representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or qualities that they do not have or that a person has sponsorship, approval, status, affiliation, or connection that he or she does not have.

“(6) Representing that goods are original or new if they are deteriorated, reconditioned, reclaimed, used, secondhand, or altered to the point of decreasing their value or rendering the goods unfit for the ordinary purpose for which they were purchased, provided that this subdivision shall not apply to new goods which have been reconditioned, reclaimed, or repaired and such fact is disclosed to the purchaser.

“(7) Representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another.

“(8) Disparaging the goods, services, or business of another by false or misleading representation of fact.

“(9) Advertising goods or services with intent not to sell them as advertised.

“(10) Advertising goods or services with intent not to supply reasonably expectable public demand unless the advertisement discloses a limitation of quantity.

“(11) Making a false or misleading statement of fact concerning the reasons for, existence of, or amounts of, price reductions.

“(12) Knowingly failing to identify flood, water, fire, or accidentally damaged goods as damaged goods if they are damaged to the point of decreasing their value or rendering the goods unfit for the ordinary purpose for which they were purchased, provided, that this subdivision shall not apply to accidentally damaged new goods where the goods are reconditioned, reclaimed, or repaired to substantially their original condition and such fact is disclosed to the purchaser.

“(13) Knowingly making false or misleading statements of fact concerning the need for parts, replacement, or repair service.

“(14) Misrepresenting the authority of a salesperson, representative, or agent to negotiate the final terms of a transaction.

“(15) Disconnecting, turning back, replacing or resetting the odometer of any motor vehicle so as to reduce the number of miles indicated on the odometer gauge with the intent of deception.

“(16) Advertising of any sale by falsely representing that a person is going out of business.

“(17) After receipt of payment for goods or services, failing to ship the goods or furnish such services within the time advertised or otherwise represented or, if no specific time is advertised or represented, failing to ship the goods or furnish such services within 30 days, unless within the applicable time period the seller provides the buyer with the option to either cancel the sales agreement and receive a refund of all previous payments to the seller or to extend the date to a specific date proposed by the seller. Any refund shall be mailed or delivered to the buyer within 10 business days after the seller receives written notification from the buyer of the buyer's option to cancel the sales agreement and receive the refund.

“(18) Using or employing a chain referral sales plan in connection with the sale or offering for sale of goods, merchandise, or anything of value, involving a sales technique, plan, arrangement, or agreement in which the buyer or prospective buyer is offered the opportunity to purchase merchandise or goods and in connection with the purchase receives the seller's promise or representation that the buyer shall have the right to receive compensation or consideration in any form for furnishing to the seller the names of other prospective buyers, if the receipt of the compensation or consideration is contingent upon the occurrence of an event subsequent to the time the buyer purchased the goods, merchandise, or anything of value.

"(19) Selling or offering to sell, either directly or associated with the sale of goods or services, a right to participation in a pyramid sales structure. As used herein, 'pyramid sales structure' includes any plan or operation for the sale or distribution of goods, services, or other property wherein a person for consideration acquires the opportunity to receive a pecuniary benefit, which is based primarily upon the inducement of additional persons by that person, and others, regardless of number, to participate in the same plan or operation, and is not primarily contingent on the volume or quantity of goods, services, or other property sold or distributed. For purposes of this subdivision, 'consideration' shall not include payments made for sales demonstration equipment and materials furnished on a non-profit basis for use in making sales and not for resale wherein such payments amount to less than one hundred dollars (\$100) annually.

"(20) In connection with any seller-assisted marketing plan, either misrepresenting the amount or extent of earnings to result therefrom, or misrepresenting the extent or nature of the market for the goods or services, or both, sold or delivered in connection with the plan, or misrepresenting that the seller of the plan will repurchase all or part of the goods or services, or both, sold or delivered in connection with the plan or failing to deliver goods or services, or both, within the time represented. As used herein, 'seller-assisted marketing plan' includes any plan, scheme, or system in which for a consideration a buyer acquires goods or services, or both, together with a plan, scheme, or system for the resale of said goods or services, or both.

"(21) Intentionally misrepresenting that a warranty or guarantee confers or involves certain rights or remedies.

"(22) In selling a new motor vehicle, failing to disclose material damage to the motor vehicle as prescribed hereafter:

"a. Each manufacturer, importer, or distributor of new motor vehicles sold or transferred to a motor vehicle dealer in this state, shall notify the motor vehicle dealer in writing prior to delivery of the vehicle of any material damage to the vehicle which is known to the manufacturer, importer, or distributor, and which was sustained or incurred by the motor vehicle at any time after the manufacturing process is complete but prior to delivery of the vehicle to the dealer.

"b. In selling a new motor vehicle, each motor vehicle dealer in this state shall notify the purchaser in writing at the time of sale of any material damage to the vehicle which is known to the motor vehicle dealer and which was sustained or incurred by the motor vehicle at any time after the manufacturing process is complete, but prior to delivery of the vehicle to the purchaser.

"c. For purposes of this section, 'material damage' means damage sustained or incurred by a motor vehicle, whether corrected or

uncorrected, which cost to repair exceeds 3 percent of the manufacturer's suggested retail price of the vehicle based upon the dealer's retail repair cost or the sum of five hundred dollars (\$500), whichever is greater. Damage to tires, glass, bumpers, and in-dash audio equipment shall not be considered in determining the cost of repair if those components are replaced by identical manufacturer's original equipment. The failure of a manufacturer, importer, distributor, or motor vehicle dealer to give notice of damage below the threshold constituting 'material damage' shall not provide grounds for revocation of the sale nor shall such failure constitute a material misrepresentation or omission of fact.

"d. Each manufacturer, importer, or distributor of new motor vehicles shall indemnify and hold harmless the motor vehicle dealer obtaining a vehicle from the manufacturer, importer, or distributor from and against any liability, including reasonable attorneys' fees, which the motor vehicle dealer may have to the purchaser of the vehicle as a result of damage to the new motor vehicle which was known to the manufacturer, importer, or distributor, which occurred prior to delivery of the vehicle to the dealer, and which was not disclosed in writing to the dealer prior to delivery of the vehicle. This indemnity obligation of the manufacturer, importer, or distributor shall apply regardless of whether the damage constitutes 'material damage' as defined herein.

"(23) Engaging in any other unconscionable, false, misleading, or deceptive act or practice in the conduct of trade or commerce."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 22, 1993

Time: 5:40 P.M.

Act No. 93-204

S. 142 – Senator Parsons

AN ACT

To provide for the offense of giving a false name or address to a law enforcement officer; and to provide penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) A person commits the crime of giving a false name or address to a law enforcement officer if the person gives a false name or address to a law enforcement officer in the course of the officer's official duties with intent to mislead the officer.

(b) Giving a false name or address to a law enforcement officer is a Class A misdemeanor.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 22, 1993

Time: 5:41 P.M.

Act No. 93-205

H. 208 – Rep. Hogan, Box, Kvalheim
AN ACT

Relating to the Alabama Sunset Law; to continue the existence and functioning of the Alabama Board of Examiners For Speech Pathology and Audiology with certain modifications; to amend Sections 34-28A-21 and 34-28A-40, Code of Alabama 1975, so as to provide further for the qualifications of applicants for licensure by the board, and to require that not more than one member from any United States Congressional District shall be appointed to serve on the board at the same time.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to the Alabama Sunset Law, the sunset committee recommends the continuance of the Alabama Board of Examiners For Speech Pathology and Audiology, with the additional recommendations for statutory changes of the board as set out in Section 3 of this act.

Section 2. The existence and functioning of the Alabama Board of Examiners For Speech Pathology and Audiology, created and functioning pursuant to Sections 34-28A-1 to 34-28A-44, inclusive, Code of Alabama 1975, is continued, and those code sections are expressly preserved.

Section 3. Sections 34-28A-21 and 34-28A-40 of the Code of Alabama 1975, are amended to read as follows:

“§34-28A-21.

“To be eligible for licensure by the board as a speech pathologist or audiologist a person shall meet each of the following qualifications and requirements:

“(1) Be of good moral character.

“(2) Make application to the board on a form prescribed by the board.

“(3) Pay to the board the appropriate application fee.

“(4) Submit evidence of possession of at least a master’s degree or the equivalent in speech-language pathology or audiology from an educational institution approved by the board.

“(5) Submit evidence of the successful completion of supervised clinical practicum experiences from an education institution or its cooperating programs which is approved by the board.

“(6) Submit evidence of the successful completion of a post-graduate professional experience approved by the board as delineated in the rules and regulations of the board.

“(7) Pass an examination in speech-language pathology or audiology approved by the board.”

“§34-28A-40.” (a) There is established as an independent agency of the executive branch of the government of the state of Alabama, the Alabama board of examiners for speech pathology and audiology.

“(b) The board shall be comprised of seven members, who shall be appointed by the governor from names submitted to the governor by the association. Not more than one board member from any United States Congressional District shall be appointed to serve at the same time. Those persons nominated or appointed to serve on the board shall have been engaged in rendering services to the public, or teaching, or research, or any combination of service to the public, teaching, or research, in speech pathology or audiology, or both for at least five years immediately preceding their appointment. At least three board members shall be speech pathologists, at least three shall be audiologists, and one shall be a member of the consuming public or an allied professional. The six professional speech pathologist and audiologist board members shall at all times be holders of active and valid licenses for the practice of speech pathology and audiology in this state, except for the six members first appointed, who shall fulfill the requirements set forth in the appropriate provisions of section 34-28A-21.

“(c) The governor shall appoint two board members for a term of one year, two for a term of two years, two for a term of three years and one for a term of four years. Appointments made thereafter shall be for three-year terms, with no person being eligible to serve more than two full consecutive terms. Terms shall begin on October 1, except for the first appointee member, who shall serve through September 30 of the year in which he or she is appointed before commencing the terms provided by this subsection.

“(d) The board shall meet during the month of October each year for the purposes of annual reorganization to select a chair and an executive secretary and to compile an annual report of business conducted during the previous year. Copies of the annual

report shall be submitted to the governor or his or her duly named representative and filed in the offices of the members of the board. Additionally, a report of the actions of the board shall be presented during the program of an annual meeting of the speech and hearing association of Alabama. At least one additional meeting shall be held before the end of each year. Further meetings shall be convened at the call of the chair or any two board members. All meetings shall be open to the public; except, that the board may hold closed sessions to prepare, approve, grade or administer examinations or, upon a request of an applicant who has failed an examination, to prepare a response indicating the reason for failure.

“(e) Four members of the board shall constitute a quorum to do business.

“(f) When a vacancy on the board occurs, the speech and hearing association of Alabama shall recommend not less than three persons to fill each vacancy, and the governor shall make his or her appointment from the persons so nominated.

“(g) The governor may remove from office any member of the board for neglect of any duty required by this chapter, for incompetency, or for unprofessional conduct.”

Section 4. The Legislature concurs in the recommendations of the Sunset Committee as provided in Sections 1, 2, and 3 of this act.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act, are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 22, 1993

Time: 5:42 P.M.

WHEREAS, the late Paul B. Ford, Jr., of Birmingham was a leader in the field of consumer finance in the State of Alabama for more than 50 years; and

WHEREAS, as a loyal citizen of Alabama, he was always willing to share his information and expertise with Alabamians of all walks of life; and

WHEREAS, he was one of the founding fathers of the Alabama Lenders Association, the professional organization which brought a new code of ethics for small lenders and helped upgrade the entire industry; and

WHEREAS, he played an active role in the life of his community and his state, with particular attention on the conservation movement and the sponsorship of sporting teams to help round out the family life; and

WHEREAS, he spent many years working with members of the Alabama Legislature to explain the complexities of finance and help bring common sense into the legislative area; and

WHEREAS, Paul B. Ford, Jr., was indeed a great and good friend to the members of this body, a man who was dedicated to serving his fellowman, and one whose charming wit, ready smile and wise counsel will be sorely missed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Paul B. Ford, Jr., of Birmingham, Alabama, and extend our deepest sympathy to his wife of 53 years, Mrs. Cathryn Stevens Ford; to his three children and eight grandchildren; and to other family members, for whom a copy of this resolution shall be provided.

Approved April 22, 1993

Time: 5:43 P.M.

Act No. 93-207

H.J.R. 325 – Rep. Butler

HOUSE JOINT RESOLUTION

COMMENDING SUE STEVENS MCWHORTER, 1993 “HOME ECONOMIST IN BUSINESS OF THE YEAR” IN MADISON COUNTY, ALABAMA.

WHEREAS, the Legislature of Alabama notes with highest commendation the selection of Sue Stevens McWhorter as the 1993 “Home Economist In Business of the Year,” awarded annually by

the Home Economics Association in recognition of outstanding leadership and service to the community and profession; and

WHEREAS, Ms. McWhorter is the chairperson of Home Economist in Business, Alabama group, and has held many responsible leadership positions in that organization; and

WHEREAS, Sue McWhorter is a committed volunteer in numerous charitable and civic endeavors and serves as the Volunteer Senior Adult Coordinator at Southside Baptist Church; and

WHEREAS, Sue Stevens McWhorter is indeed a lady of exceptional talents, whose contributions to Madison County are immeasurable; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most highly commend Ms. Sue Stevens McWhorter as the 1993 "Home Economist In Business of the Year," for whom a copy of this resolution shall be provided.

Approved April 22, 1993

Time: 5:44 P.M.

Act No. 93-208

H.J.R. 326 – Rep. Butler

HOUSE JOINT RESOLUTION

COMMENDING THE BOB JONES HIGH SCHOOL PATRIETTES OF MADISON, ALABAMA, FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, the accomplished Bob Jones High School Patriettes dance team claimed first place honors in the jazz division of the recent State Dance Competition held at Samford University in Birmingham; and

WHEREAS, members of this talented group are Robin Butler, captain, along with Naomi Lowery, Katie Sharp, Catherine Rawlinson, Sara Tyree, Julie Grissom, Kim McIrath, Angel Hindman, Jennifer Hicks, Amanda Corley, Krista Mateskon, Christal Gamble, Cheryl Lewis and Martha Harden; and

WHEREAS, the Patriettes, also in 1993, were recognized as Madison County Dance Team Champions, and were among the top 25 in national competition in 1992; and

WHEREAS, in addition to jazz, the Patriettes also are proficient in other dance categories, including novelty, high-kick and pom-pom, among other routines; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of their outstanding achievements, we hereby most highly commend and congratulate the Bob Jones High School Patriettes, a talented group of young ladies in whom we are justly proud.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for appropriate presentation to team sponsor, Patsy Johnson, team captain, Robin Butler, and other team members Naomi Lowery, Katie Sharp, Catherine Rawlinson, Sara Tyree, Julie Grissom, Kim McIrath, Angel Hindman, Jennifer Hicks, Amanda Corley, Krista Mateskon, Christal Gamble, Cheryl Lewis and Martha Harden, with a copy also provided for school display.

Approved April 22, 1993

Time: 5:45 P.M.

Act No. 93-209

H.J.R. 327 – Rep. Butler

HOUSE JOINT RESOLUTION

DESIGNATING THE WEEK OF MAY 23 TO MAY 29, 1993, AS “EMERGENCY MEDICAL SERVICES WEEK” IN ALABAMA.

WHEREAS, the Legislature of Alabama takes this opportunity to recognize the outstanding contributions made to the citizens of this state by our emergency medical services departments; and

WHEREAS, each year in Alabama, highway crashes are a major cause of death and disability; our emergency medical services departments answer our calls for help in motor vehicle crashes and all other emergencies; and

WHEREAS, our emergency medical services respond to our calls immediately with trained and well equipped staff to ensure that our citizens receive prompt and appropriate care whenever and wherever it is needed; and

WHEREAS, emergency medical services specialists save hundreds of lives not only with their medical assistance, but also with their prevention messages; they remind our citizens about the dangers of drinking and driving, about the importance of wearing safety belts, about using safety belts for our children, about the necessity of motorcyclists wearing helmets, and about becoming alert pedestrians; and

WHEREAS, the emergency medical services specialists in Alabama include the dispatchers who receive the emergency calls, the first responders and emergency medical technicians who arrive on the

scene, and the nurses and physicians who staff the emergency rooms and trauma centers; many of these specialists are volunteers; and

WHEREAS, the Legislature recognizes the importance of the citizens of Alabama knowing about our emergency medical services and acknowledging their accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of the dedication of these faithful emergency medical services specialists, we do hereby designate the week of May 23 to May 29, 1993, as "Emergency Medical Services Week" in Alabama.

Approved April 22, 1993

Time: 5:46 P.M.

Act No. 93-210

H.J.R. 331 – Rep. Penry

HOUSE JOINT RESOLUTION

COMMENDING MRS. GRACE CAWLEY ROBINSON OF FOLEY, ALABAMA, FOR OUTSTANDING SERVICE IN THE FIELD OF EDUCATION.

WHEREAS, a resident of Foley, Alabama, and one of Baldwin County's most prominent educators, Mrs. Grace Cawley Robinson is being honored for more than 54 years of dedicated service in the field of education, and as a tireless volunteer worker in her community; and

WHEREAS, Mrs. Robinson retired as an active teacher in 1979; in the Fall of that year, however, she became a substitute teacher in the Baldwin County School System and, until now, has continued to instruct her students with patience and care, and with genuine concern that they achieve to their highest potential; and

WHEREAS, Mrs. Robinson, also since her retirement in 1979, has served in volunteer leadership and support of numerous civic, charitable and other community endeavors; and

WHEREAS, Mrs. Robinson is an educator who indeed possesses a great love and talent for teaching, and who, in recognition of her long years of contributions to the scholastic future of countless young people in Baldwin County, has been recognized with the establishment of a scholarship in her name; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with the entire community in commending Mrs. Grace Cawley Robinson of Foley, Alabama, on her career of over 54 years as a teacher in

the schools of Baldwin County, and do further direct that a copy of this resolution be prepared for presentation to Mrs. Robinson on April 23, 1993.

Approved April 22, 1993

Time: 5:47 P.M.

Act No. 93-211

H.J.R. 335 – Rep. Black (M)

HOUSE JOINT RESOLUTION

COMMENDING MRS. RACHAEL M. BERRYMAN OF COLBERT COUNTY, ALABAMA, FOR OUTSTANDING SERVICE.

WHEREAS, the Alabama Legislature most highly commends and recognizes Mrs. Rachael M. Berryman of Colbert County, Alabama, on her recent retirement, February 26, 1993, following a longtime career in dedicated service as Sheffield High School librarian; and

WHEREAS, Mrs. Berryman earned her B.S. degree in Secondary Education from the University of Alabama in 1947, and pursued graduate studies while working at the university library; she later pursued further graduate studies at Florence State University where she received her Master's degree in 1975; and

WHEREAS, over the past 42 years, Mrs. Rachael Berryman has ably served the faculty and students as librarian at Sheffield High, and she will be greatly missed by all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to outstanding devotion and service as librarian at Sheffield High School, we hereby most highly commend Mrs. Rachael Berryman, for whom a copy of this resolution of sincere regard and warm best wishes for the future shall be provided.

Approved April 22, 1993

Time: 5:48 P.M.

Act No. 93-212

H.J.R. 337 – Rep. Newton (D)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF LUTHER E. CRANFORD, JR., OF MOUNTAIN BROOK, ALABAMA.

WHEREAS, it is with a deep sense of loss that the Alabama Legislature records the death of Luther E. Cranford, Jr., of Mountain Brook, Alabama; and

WHEREAS, a native of Gainesville, Florida, and a United States Army veteran, Mr. Cranford earned a degree in Business Administration and Economics from the University of Tennessee-Chattanooga and attended the Harvard Business School, the University of Virginia Business School, and the School of Business at Georgia State; and

WHEREAS, Mr. Cranford, in a longtime career with Coca-Cola Bottling Company which began in 1965, served as regional and district manager of Coca-Cola Bottling Company, Thomas, Inc. (1965-1971); as cold drink sales manager in Atlanta (1971-1975); as executive vice president and general manager and later as president of Coca-Cola Bottling in Birmingham (1975-1985); as executive vice president of operations and since 1989, as president of the Central Region, Coca-Cola Bottling Company, United, Inc.; and

WHEREAS, in addition to career demands and responsibilities, Mr. Cranford established an unparalleled record in both civic and professional leadership and involvement in numerous organizations, including the Birmingham Rotary Club and Chamber of Commerce, the University of Alabama at Birmingham, United Way, the North Central Alabama Sickle Cell Foundation, the Alabama Symphony Association, the Metropolitan Development Board, the Hall of Fame Bowl, and the Council of Alabama Coca-Cola Bottlers, among countless others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Luther E. Cranford, Jr., of Mountain Brook, Alabama, and express deepest sympathy to all his family, whose sorrow we sincerely share and for whom a copy of this resolution shall be provided.

Approved April 22, 1993

Time: 5:49 P.M.

Act No. 93-213

H.J.R. 338 – Rep. Collins

HOUSE JOINT RESOLUTION

COMMENDING COACH RICK BOLLING, COACH OF THE YEAR, THE ALABAMA JUNIOR AND COMMUNITY COLLEGE CONFERENCE'S NORTHERN DIVISION.

WHEREAS, Rick Bolling, Bevill State Community College Head Coach, is the recipient of the Alabama Junior and

Community College Conference's Northern Division Coach of the Year Award, an honor indicative of the high esteem in which he is held by his peers within the conference; and

WHEREAS, Coach Bolling, who began his college basketball career at Bevill State, pursued his pharmacy degree at Auburn where he also played basketball, and served as a graduate assistant under Coach Sonny Smith; and

WHEREAS, following graduation Rick Bolling coached at Anderson Junior College in Anderson, South Carolina, and at Fayette County High School before returning to Bevill State as Head Coach; and

WHEREAS, Coach Bolling's return has been a triumphant success; under his brilliant leadership, Bevill State posted its first winning season in 10 years (17-10), and qualified for the State Playoffs for the first time in the school's history; and

WHEREAS, Coach Bolling's outstanding contribution to the Fayette community is not limited to his coaching duties, as he also is a pharmacist in his family-owned drugstore and thereby serves as an example, to his players and the community, of the rewards to be reaped through hard work and dedication of purpose; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily commend and congratulate Coach Rick Bolling as Coach of the Year for the Alabama Junior and Community College Conference's Northern Division, and do further direct that he receive a copy of this resolution of sincere admiration and best wishes for every future success.

Approved April 22, 1993

Time: 5:50 P.M.

Act No. 93-214

H.J.R. 340 – Rep. Morrow

HOUSE JOINT RESOLUTION

COMMENDING THE ORIGINAL MEMBERS OF THE FRANKLIN COUNTY WATER COORDINATING AND FIRE PREVENTION AUTHORITY.

WHEREAS, the Franklin County Water Coordinating and Fire Prevention Authority was created by legislative act on October 6, 1988, along with the provision for supportive tax revenue, for the

purpose of establishing and maintaining a Franklin County water system; and

WHEREAS, the Franklin County Water Coordinating and Fire Prevention Authority was incorporated and began operation on April 28, 1989; and

WHEREAS, the incorporating members appointed as specified by law were: Steven D. Hammack, Chair; Billy Eastwood, Vice Chair; Bill Moss, Secretary/Treasurer; William Hill, County Engineer; Carl Aaron, Foy Mitchell and Eddie Lawler; and they were later assisted by L. E. Doughty, County Engineer and Robert Moore; and

WHEREAS, a Water Development Plan for Franklin County was developed and adopted by the Authority on August 2, 1990, and bonds for financing water system construction were issued in the amount of \$1,400,000 in September 1991, with the cooperation of the Franklin County Commission, and the pledging of future tax revenues; and

WHEREAS, the Authority worked cooperatively with the Northwest Alabama Council of Local Governments to obtain matching grant funding, and with the water boards serving various parts of Franklin County and its municipalities to complete financing and arrange for the construction and operation of water systems as well as access to fire hydrants for the people of Franklin County; and

WHEREAS, assistance has been provided as listed:

Belgreen Water Authority (Fire hydrants)	\$ 3,075 Bond/Tax Revenue
Phil Campbell Water Board –	
Dime Trapptown Project	\$214,168 combined with a \$300,000 grant
East Franklin Project	\$ 10,640 combined with a \$192,015 grant
East Franklin Volunteer Fire Department (Fire hydrants)	\$ 7,500
Red Bay Water Board	\$252,979
Vina Water Board	\$207,600
Franklin County Board for Dempsey area	\$315,250 combined with a \$300,000 grant

Gravel Hill Fire Department (Fire hydrants)	\$ 7,912
Hodges Water Department	\$ 51,700
Isbell Water Authority	\$ 6,000
Russellville Water Board	\$ 79,450
Waco Water Authority	\$ 33,100
West Lawrence Authority	\$ 9,999
Franklin County Water Coordinating	\$454,000

Authority for Burnout Area; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition for their volunteer efforts and role in assisting the various water boards in Franklin County to provide or improve services to their customers involving a total investment of \$1,653,373, from bond and tax revenues, \$792,015 from grant monies, and almost \$500,000 from local contributions by citizens and the water boards as of December 1992, we hereby commend the above named members of the Franklin County Water Coordinating and Fire Prevention Authority for their many contributions which have so greatly improved water services in Franklin County.

Approved April 22, 1993

Time: 5:51 P.M.

Act No. 93-215

H.J.R. 341 – Reps. Kvalheim, Gaston

HOUSE JOINT RESOLUTION

COMMENDING DAVID N. WRIGHT UPON HIS INSTALLATION AS 1993 CHAIRMAN OF THE BOARD OF THE MOBILE AREA CHAMBER OF COMMERCE.

WHEREAS, the Alabama Legislature expresses highest commendation of David N. Wright, whose outstanding achievements and community service have been recognized through his selection as 1993 Chairman of the Board of the Mobile Area Chamber of Commerce, an honor indicative of the high esteem in which he is held in his community; and

WHEREAS, a native of Birmingham, Mr. Wright graduated from the University of Alabama with a B.S. degree in finance; he also is a graduate and trustee of the Graduate School of Banking of the South

at Louisiana State University, and a graduate of the National Commercial Lending School at the University of Oklahoma; and

WHEREAS, Mr. Wright, who is President of Central Bank of the South, has been a resident of Mobile since 1977, and his exemplary service to his adopted hometown is evidenced by the numerous business and community organizations in which he has played a vital role, including service as chairman of both the Mobile County Industrial Development Board and the Keep Mobile Beautiful Commission, and as a member of the boards of the Providence Hospital Foundation and the Mobile Convention and Visitors Corporation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished professional and community service, and as 1993 Chairman of the Board of the Mobile Area Chamber of Commerce, we hereby commend David N. Wright, and do further direct that he receive a copy of this resolution, executed in sincere admiration and praise of his many outstanding accomplishments.

Approved April 22, 1993

Time: 5:52 P.M.

Act No. 93-216

H.J.R. 346 – Reps. Hill, Knight (A)

HOUSE JOINT RESOLUTION

COMMENDING AND EXPRESSING APPRECIATION TO THE SHELBY COUNTY HIGHWAY DEPARTMENT.

WHEREAS, in consensus of commendation, the Alabama Legislature expresses praise and appreciation to the Shelby County Highway Department for their extraordinary efforts in the aftermath of the recent snowstorm and sub-freezing conditions; and

WHEREAS, employees of the Shelby County Highway Department, including road crews, support staff and management, worked diligently and tirelessly for extended periods of time and under the most severe weather conditions, clearing roads blocked by trees and/or downed power lines, sanding roads and highways that were hazardous due to icy conditions, assisting stranded motorists and, in many cases, actually saving the lives of some of our citizens and travelers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition

of a job well done, we hereby most highly commend the men and women of the Shelby County Highway Department for their personal sacrifice and exceptional efforts on behalf of the citizens of our state.

BE IT FURTHER RESOLVED, That copies of this resolution of sincere tribute be provided for presentation to the Shelby County Highway Department.

Approved April 22, 1993

Time: 5:53 P.M.

Act No. 93-217

H.J.R. 347 – Reps. Hill, Knight (A)

HOUSE JOINT RESOLUTION

COMMENDING AND EXPRESSING APPRECIATION TO THE SHELBY COUNTY DISTRICT OF THE STATE HIGHWAY DEPARTMENT.

WHEREAS, in consensus of commendation, the Alabama Legislature expresses praise and appreciation to the Shelby County District of the State Highway Department for their extraordinary efforts in the aftermath of the recent snowstorm and sub-freezing conditions; and

WHEREAS, employees of the Shelby County District of the State Highway Department, including road crews, support staff and management, worked diligently and tirelessly for extended periods of time and under the most severe weather conditions, clearing roads blocked by trees and/or downed power lines, sanding roads and highways that were hazardous due to icy conditions, assisting stranded motorists and, in many cases, actually saving the lives of some of our citizens and travelers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of a job well done, we hereby most highly commend the men and women of the Shelby County District of the State Highway Department for their personal sacrifice and exceptional efforts on behalf of the citizens of our state.

BE IT FURTHER RESOLVED, That copies of this resolution of sincere tribute be provided for presentation to the Shelby County District of the State Highway Department.

Approved April 22, 1993

Time: 5:54 P.M.

Act No. 93-218

H.J.R. 339 – Rep. Morrow

HOUSE JOINT RESOLUTION

COMMENDING THE VINA HIGH SCHOOL DEVILETTES GIRL'S BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, with an outstanding 26-4 record, and an impressive win-to-loss margin over larger and more highly ranked teams, the Vina High School Devilettes systematically worked their way to the State 1A finals in Hanceville to capture second place in the State Class 1A Girl's Basketball Championship; and

WHEREAS, known for their speed and aggressive style, the Lady Red Devils, under the talented leadership and direction of Coach Kenny Sparks, strongly defeated Donoho in first round play 73-45, and downed the Lady Eagles of Pleasant Home 48-38, only to be disappointed in the championship game against Carrollton when, despite a valiant effort, they succumbed to the Lady Indians 67-53 late in the game; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding performance and achievement, we hereby most highly commend Coach Kenny Sparks and the Vina High School Devilettes on their second place win in the State 1A Girl's Basketball Championship, and direct that copies of this resolution be forwarded to Coach Sparks for appropriate presentation and display.

Approved April 22, 1993

Time: 5:55 P.M.

Act No. 93-219

H.J.R. 242 – Reps. Harvey, Starkey, White, Hawkins, Black (L), Gullatt, Clark (J), Anderson, Barnes, Beasley, Biddle, Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin,

Grayson, Hall, Hamilton,
 Hammett, Haney, Harper,
 Haynes, Higginbotham, Hill,
 Hogan, Holladay, Holley,
 Holmes, Hooper, Johnson,
 Kennedy, Knight (A),
 Knight (J), Kvalheim, Laird,
 Layson, Letson, Lindsey,
 Mathis, McClain, McDaniel,
 McDowell, McKee, McMillan,
 Melton, Mikell, Millican,
 Morrow, Morton, Newton (C),
 Newton (D), Parker (P),
 Parker (T), Payne, Penry,
 Perdue, Petelos, Poole, Powell,
 Rich, Richardson, Rockhold,
 Rogers (F), Rogers (J),
 Sanderford, Sanderson,
 Smith (C), Smith (R), Spratt,
 Thomas, Turner, Turnham,
 Venable, Walker, Warren,
 Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING LOUISE LAMBERT FOR OUTSTANDING SERVICE TO THE ALABAMA LEGISLATURE.

WHEREAS, in noting the retirement of Louise Lambert, an invaluable employee of the Alabama Legislature since 1967, we also note her many contributions as clerk for a number of interim committees; for such standing committees as Conservation, Public Welfare, Education, Business and Labor, and Highway Safety; and, since 1977, as clerk for the Joint Senate-House Highway Committee; and

WHEREAS, Louise Lambert, a very dedicated and loyal employee, has gained the respect of her many co-workers over the years, and the highest regard of members of the Legislature who have come to rely on her expertise and vast knowledge of the legislative process; and

WHEREAS, the wife of Ealon Lambert, the mother of five daughters, and the grandmother of five grandchildren and two great grandchildren, Louise Lambert is a resident of Wetumpka where she is an active member of Trinity Episcopal Church, and is most particularly involved in Trinity Episcopal's various outreach programs; and

WHEREAS, Louise Lambert has indeed rendered extraordinary service to the Legislature and the State, and is a valued member of "our family" whom we shall truly miss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in deep and sincere gratitude for outstanding service to the Alabama Legislature and the State of Alabama, we hereby most highly commend Louise Lambert, whom we hold in warmest personal regard and for whom a copy of this resolution shall be provided.

Approved April 22, 1993

Time: 5:56 P.M.

Act No. 93-220

H.J.R. 251 – Rep. Buskey

HOUSE JOINT RESOLUTION

CONGRATULATING MRS. MARRISSETTA RENCHER ON THE OCCASION OF HER 80TH BIRTHDAY.

WHEREAS, the Legislature of Alabama most heartily congratulates Mrs. Marrissetta Rencher of Mobile, Alabama, on the occasion of her 80th birthday, April 12, 1993; and

WHEREAS, born April 12, 1913, in Mobile, Alabama, to Mr. and Mrs. Earl Murphy Brazile, Mrs. Rencher has been married to Mr. Vernon Rencher for sixty years; she is the mother of Mrs. Octavia (Mark) Durham of Chicago, Illinois, and the grandmother of Malaika and Maya Durham; and

WHEREAS, Mrs. Rencher was a resident of Chicago for 58 years where she was an active member of Liberty Baptist Church which recognized her for 50 years of devoted service; since returning to Mobile, she is an active member of Mount Carmel Baptist Church, Prichard, under the pastorate of the Reverend Carl D. Bolden; and

WHEREAS, at a surprise birthday celebration on April 3, 1993, God's continued blessing upon Mrs. Rencher will be beseeched by her brothers and sisters, many devoted nieces and nephews, church members and friends; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with her family, friends and the community in celebrating the milestone 80th birthday, April 12, 1993, of Mrs. Marrissetta Rencher of Mobile, Alabama, and do further direct that Mrs. Rencher receive a copy of this resolution, executed in sincere esteem and with warm best wishes for many more years of continued good health and happiness.

Approved April 22, 1993

Time: 5:57 P.M.

Act No. 93-221

H.J.R. 254 – Rep. Morrow

HOUSE JOINT RESOLUTION

COMMENDING THE RED BAY LADY TIGERS BASKETBALL TEAM ON WINNING THE 1993 STATE CLASS 3-A BASKETBALL CHAMPIONSHIP.

WHEREAS, 1993 was a phenomenal year for the Red Bay Lady Tigers basketball team which finished the season with an outstanding 26-2 record, winning the Franklin County Championship, the 3A Area 16 Championship, and the 3A State Championship; and

WHEREAS, the Lady Tigers, under the brilliant leadership of Coach Donnie Roberts, defeated Danville High School 75-47, St. Paul's 81-66, and Francis Marion 84-67, setting 3A State Tournament records for most points in one game at 84, and most points in one tournament at 240; and

WHEREAS, three Lady Tigers, Dorinda Gober, Laura Beth Roberts, and Sharon Bates were honored by being selected to the 3A All-State Tournament team, with Miss Roberts being further honored as the State Tournament's Most Valuable Player; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of their remarkable achievements, we hereby most highly commend Coach Donnie Roberts and the Red Bay Lady Tigers on the 1993 State Class 3A Basketball Championship, and do further direct that copies of this resolution be provided for appropriate presentation and school display.

Approved April 22, 1993

Time: 5:58 P.M.

Act No. 93-222

H.J.R. 255 – Rep. Laird

HOUSE JOINT RESOLUTION

COMMENDING THE AUBURN UNIVERSITY DEPARTMENTS OF CONSUMER AFFAIRS AND TEXTILE ENGINEERING FOR THEIR LONG-STANDING COMMITMENT TO ALABAMA'S TEXTILE AND APPAREL INDUSTRY.

WHEREAS, the Auburn University Departments of Consumer Affairs and Textile Engineering have demonstrated a long-standing commitment to serve Alabama's textile and apparel industry through a cooperative effort of teaching, research, and service

designed to help Alabama's industry to be competitive in the global marketplace; and

WHEREAS, the state of Alabama has joined Auburn University in support of this industry through statewide economic development efforts such as the nation's First Apparel Sourcing Fair which has become the model for the annual Bobbin Show International Sourcing Fair; Alabama apparel producers participation as a group in international trade shows such as Private Label Expo and the Bobbin Show; and other match marketing activities; and

WHEREAS, Auburn University has worked cooperatively with Alabama's educational system, including the postsecondary system, especially Central Alabama Community College, Opelika State Technical College, Wallace State College-Dothan, and MacArthur State Technical College to identify the skills working with these schools to develop education and training programs to provide the workers for a globally competitive industry; and

WHEREAS, a partnership has been formed between Auburn University, industry, the State of Alabama, and the postsecondary educational system that was instrumental in Auburn's designation as one of the four charter members of the National Textile Center, a university research consortium that includes Auburn University, Clemson University, Georgia Institute of Technology, and North Carolina State University that is funded through Congress and administered through the Department of Commerce; and

WHEREAS, the National Textile Center has been recognized as a "Role Model for America" which will demonstrate how industry, government, and universities can work together to solve real-world problems by utilizing a management team which includes 18 industrial leaders serving on NTC Oversight and Technical Advisory Committees and utilizing and innovative, interactive electronic communications system to support the administrative and technological transfer functions; and

WHEREAS, the mission of the National Textile Center is to provide the academic research base for the continuing viability and competitiveness of the fiber, textile, and fabricated products industrial complex; and

WHEREAS, the four universities encompassing the National Textile Center have pledged to share personnel, equipment, and facilities to reach common research and educational objectives; and

WHEREAS, the goals of the National Textile Center are to:

- (1) Develop new methods, innovative, and improved manufacturing processes, and integrated systems and design essential to the success of a modern textile manufacturing enterprise.

(2) Provide the trained personnel, industrial partnerships, and transfer mechanisms to ensure utilization of the developed technologies by the textile industrial complex.

(3) Strengthen the nation's textile research and educational efforts by uniting diverse experts and resources in collaborative projects with common goals and objectives; and

WHEREAS, the vision of the National Textile Center is the development of a responsive, flexible, productive, and quality-oriented complex, better able to compete in a dynamic global marketplace; and

WHEREAS, the National Textile Center has just begun its second year with Auburn University as an integral and essential part of the NTC research effort, which has brought almost \$4 million in federal research funds to the state in the first two years of the National Textile Center, with the opportunity for significantly greater amounts of future funding through NTC appropriations; and

WHEREAS, the National Textile Center can be the model and the vehicle to receive and distribute funding from other sources, private and public, for other research, educational, and outreach efforts to support the textile industrial complex; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we recognize the leadership role that Auburn University has played in working with the textile and apparel industry in the State of Alabama and we commend Auburn University and encourage the university to continue to seek ways to coordinate and expand available resources, and build partnerships to enhance the competitive abilities of the textile industrial complex in Alabama.

RESOLVED FURTHER, That we designate the Auburn University Departments of Consumer Affairs and Textile Engineering as Alabama's Textile Center, and integral component of the National Textile Center.

Approved April 22, 1993

Time: 5:59 P.M.

Act No. 93-223

H.J.R. 256 – Reps. McMillan, Carter

HOUSE JOINT RESOLUTION

COMMENDING MRS. MAUDE YATES MURPHEY OF MACON, MISSISSIPPI.

WHEREAS, the Legislature of Alabama, in highest commendation, recognizes Mrs. Maude Yates Murphey of Macon, Mississippi, for her generous gift to the people of Alabama; and

WHEREAS, Mrs. Murphey has so generously donated to our state a four-piece silver service belonging to Joshua Lanier Martin who served as Governor of Alabama from 1845 to 1847; and

WHEREAS, an illustrious figure in the political and judicial affairs of our state from the early 1820s to the early 1850s, Joshua Martin, a practicing attorney, represented Limestone County in the state legislature; served as solicitor of the fourth judicial circuit and as judge of the circuit court; was elected to two terms in the United States Congress, and as Chancellor of the Middle Chancery Division of the state; and, following his term as Governor, rendered one last public service as representative of his county in the state legislature of 1853; and

WHEREAS, minted of coin silver with markings indicating it was made circa 1841, the exquisite silver service was presented to the Alabama Department of Archives and History on behalf of Mrs. Murphey's late husband who was a descendant of Governor Martin; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That highest commendation is hereby extended to Mrs. Maude Yates Murphey of Macon, Mississippi, for the unselfish generosity of her beautiful gift, which will be enjoyed by so many, and which will serve as a lasting reminder of the career and service of Governor Joshua Lanier Martin.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mrs. Murphey as a small token of sincere gratitude and appreciation.

Approved April 22, 1993

Time: 6:00 P.M.

Act No. 93-224 H.J.R. 260 – Reps. Grayson, Butler, Sanderford,
Freeman, Hall

HOUSE JOINT RESOLUTION

COMMENDING DR. EMERSON A. COOPER FOR OUTSTANDING CONTRIBUTIONS TO OAKWOOD COLLEGE.

WHEREAS, Dr. Emerson A. Cooper, has retired after forty-four years of exemplary service to Oakwood Academy and Oakwood College, during which tenure, and as a result of his tireless endeavors, Oakwood College rose from obscurity to recognition as one of the top ten colleges in the nation for supplying black students to medical school; and

WHEREAS, a native of Panama, Dr. Cooper graduated from Oakwood Academy and received his Bachelor of Arts degree from

Oakwood College in 1948; he also holds a M.S. degree from Polytechnic Institute of Brooklyn, and after receiving his Ph.D. degree from Michigan State University, became the first fully-educated Oakwood graduate to earn a doctorate; and

WHEREAS, Dr. Cooper began his long and illustrious career with Oakwood Academy and Oakwood College in 1948, thereafter rising rapidly through the ranks from instructor to full professor and, administratively, served as a department chair, a division chair, dean of academic affairs, and interim president; and

WHEREAS, in addition to his professional and administrative positions, Dr. Cooper was successful in securing a number of grants for the college and, in 1962, became the first faculty member to receive a federal grant — an Atomic Energy Commission Grant of \$4,200; and

WHEREAS, among many honors bestowed in recognition of achievement, Dr. Cooper has received the first annual White House Initiative Faculty Award for excellence in science and technology; the Alabama Association of College Administrators Exemplary Service Award; the Tenneco - UNCF - Excellence in Teaching Award; the National Association for Equal Opportunity in Higher Education Distinguished Citation Award; and the National Academic Advising Association Certificate of Merit for Outstanding Achievement in the Academic Advising of Students; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Dr. Emerson A. Cooper, whose many professional achievements and contributions have brought honor and distinction to Oakwood College and the State of Alabama, and do further direct that he receive a copy of this resolution of sincere admiration and best wishes for every future success in retirement.

Approved April 22, 1993

Time: 6:01 P.M.

Act No. 93-225 H.J.R. 261 – Reps. Grayson, Butler, Sanderford,
Freeman, Hall

HOUSE JOINT RESOLUTION

COMMENDING CLARA D. ROBERSON BRYANT FOR OUTSTANDING ACHIEVEMENT AND SERVICE TO THE TEACHING PROFESSION.

WHEREAS, the third annual Retiree Observance was held on January 10, 1993, at Fellowship Presbyterian Church in

Huntsville, Alabama, and had as its theme, "Celebrating Excellence and Dedication to the Teaching Profession"; and

WHEREAS, among those being honored by their church was Mrs. Clara D. Roberson Bryant, a native Texan who earned a Bachelor of Arts degree from Prairie View A and M University, a Master's degree from Alabama A and M University, and studied additionally at the University of Texas, George Peabody College for Teachers and the University of Alabama in Huntsville; and

WHEREAS, Mrs. Bryant, over the course of her extensive professional career as an English teacher and Library Media Specialist, has served educational tenures in Victoria, Texas, as well as in Kaiserlautern and Vogelweh, Germany, before joining the faculty of Butler High School in Huntsville, where she has also served as an educator with Councill Training School, J. F. Drake Technical College and Alabama A and M's Upward Bound Program; and

WHEREAS, her affiliations include the Local, State and National Education Associations, library organizations, Phi Delta Kappa, Lamron Club, and Delta Sigma Theta Sorority, Incorporated; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with Fellowship Presbyterian Church, Huntsville, in paying tribute to Mrs. Clara D. Roberson Bryant for "Excellence and Dedication to the Teaching Profession," and do further direct that she receive a copy of this resolution executed in sincere praise and with highest personal regard.

Approved April 22, 1993

Time: 6:02 P.M.

Act No. 93-226 H.J.R. 262 – Reps. Grayson, Butler, Sanderford,
Freeman, Hall

HOUSE JOINT RESOLUTION

COMMENDING THE REVEREND JOHN L. HERNDON, III, FOR DISTINGUISHED SERVICE TO FELLOWSHIP PRESBYTERIAN CHURCH, HUNTSVILLE, ALABAMA.

WHEREAS, on the occasion of "A Salute to Dr. John Herndon Day" by the membership of Fellowship Presbyterian Church of Huntsville, the Alabama Legislature joins the church in commending Dr. Herndon for his many outstanding contributions as the fourth pastor of Fellowship Church; and

WHEREAS, Dr. Herndon received his B.S. degree from Livingston College, a Juris Doctorate from St. Mary's University, a Doctor of Philosophy degree from the University of Texas, and a Master of Science degree from Southern Illinois University; and

WHEREAS, following a 20-year career with the U. S. Air Force, the United States government, and the State of Georgia, Dr. Herndon entered the ministry as associate pastor at Westhills Presbyterian Church in Atlanta in 1981, and pursued and received his Master of Divinity degree from Columbia Theological Seminary; and

WHEREAS, under his pastoral leadership since 1985, Fellowship Presbyterian has continued to flourish markedly in all aspects of its ministry and witness; church membership has continued to grow, and plans are underway to build a new sanctuary; and

WHEREAS, Dr. Herndon, in addition to his pastoral duties, has provided leadership and support in civic and community affairs and in such capacities as president of the Greater Huntsville Ministers' Association, Chaplain at Huntsville Hospital, Court Appointed Juvenile Advocate, and through involvement with the Huntsville City Schools, the NAACP, United Way and Retired Senior Volunteers, among countless other positions of responsibility and service; and

WHEREAS, he also has been the recipient of numerous awards and honors over the years, including such distinctions as Livingston College Alumni Achievement Award, the American Men and Women of Science Achievement Award, the Community Action Agency Community Service Award, and the Governor's Volunteer Award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the momentous occasion of "A Salute to Dr. John Herndon Day," and in shared gratitude and appreciation with the membership of Fellowship Presbyterian Church for his years of faithful leadership and service, highest commendation is hereby bestowed upon Reverend John L. Herndon, for whom a copy of this resolution shall be provided.

Approved April 22, 1993

Time: 6:03 P.M.

Act No. 93-227

H.J.R. 263 – Rep. Letson

HOUSE JOINT RESOLUTION

COMMENDING HAZELWOOD HIGH SCHOOL ON ITS OUTSTANDING FOOTBALL PROGRAM.

WHEREAS, the years 1988 through 1992 have been very productive ones for the Hazelwood High School Football Program, which has seen five years bring five State Class 2A championships to Hazelwood High, the Town Creek community, and Lawrence County; and

WHEREAS, the Hazelwood High School Football Team achieved this unparalleled success under the brilliant leadership of Head Coach Jackie Ferguson, 1988 and 1989; Head Coach Rickey Johnson, 1990, 1991 and 1992; and Assistant Coach Jack Steele, Jr., 1988 through 1992; and

WHEREAS, consistent success, such as Hazelwood has enjoyed, can only be accomplished through the tireless efforts of the players, with support from the faculty, parents and the community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Head Coaches Jackie Ferguson and Rickey Johnson, Assistant Coach Jack Steele, Jr., and all the players, faculty, parents and fans who have helped make the Hazelwood High School Football Program one of the state's finest.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for appropriate presentation and display at Hazelwood High School.

Approved April 22, 1993

Time: 6:04 P.M.

Act No. 93-228

H.J.R. 265 – Reps. Hogan, Cagle

HOUSE JOINT RESOLUTION

COMMENDING RONICA POLK OF OAKMAN, ALABAMA, MISS ALABAMA AGRICULTURE 1993.

WHEREAS, it is with sincere pleasure that the Alabama Legislature notes the selection of Ronica Polk of Oakman, Alabama, in Walker County, as Miss Alabama Agriculture 1993; and

WHEREAS, Miss Polk, in addition to her Miss Alabama Agriculture title, was chosen as the Talent Find Winner and as

Miss Congeniality, the first time in the history of the Alabama Farm Federation Pageant that one individual has won in all three categories; and

WHEREAS, the daughter of Mr. and Mrs. Ron Polk, Ronica is a nursing student at Beville State Community College, and is an active member of Aldridge Community Baptist Church and the youth choir; she also is a talented fiddle player who has won numerous fiddle contests and performs in various community activities throughout the year; and

WHEREAS, a young lady of exceptional talent and charm, Miss Polk, who was named to Who's Who Among American Students, was winner of the Miss Autumn Senior Pageant at Oakman High School in 1989; first runner-up in the Miss Coal County Classic at Beville State Community College in 1989; and was runner-up in the Miss Walker County Beauty Pageant in 1990, and captured the title in 1991; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Ronica Polk of Oakman, Alabama, Miss Alabama Agriculture 1993, for whom a copy of this resolution shall be provided.

Approved April 22, 1993

Time: 6:05 P.M.

Act No. 93-229

H.J.R. 266 – Reps. Mikell, Hogan

HOUSE JOINT RESOLUTION

COMMENDING CALVIN O'NEAL SANDERS FOR DEVOTED AND FAITHFUL SERVICE TO CATOMA BAPTIST CHURCH.

WHEREAS, the Legislature of Alabama, in consensus of commendation, herein records the longtime, faithful service rendered by Calvin O'Neal (Neal) Sanders to Catoma Baptist Church; and

WHEREAS, Neal Sanders, a founding member, church clerk and deacon since the establishment of Catoma Baptist Church 30 years ago, has served also as chairman of several church committees, was a Sunday School teacher for more than 25 years and, in all ways, has been a faithful servant in every area of the church ministry; and

WHEREAS, Mr. Sanders, moreover, has sought always to reach out and bring into the church those seeking a closer relationship with God, encouraging them to become active participants in the fellowship and work of Catoma Baptist Church; and

WHEREAS, Neal Sanders has truly been, and continues to be, a blessing to Catoma Baptist Church and, as a devout Christian, remains steadfast in faithful service to the Lord, and to his church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Calvin O'Neal (Neal) Sanders for outstanding service to Catoma Baptist Church, and do further direct that he receive a copy of this resolution of sincere admiration and warmest personal regard.

Approved April 22, 1993

Time: 6:06 P.M.

Act No. 93-230

H.J.R. 267 – Reps. Biddle, Payne, Morton

HOUSE JOINT RESOLUTION

NAMING DR. LeROY BROWN AS PRESIDENT EMERITUS OF JEFFERSON STATE COMMUNITY COLLEGE, BIRMINGHAM, ALABAMA.

WHEREAS, Dr. LeRoy Brown has been tireless in his efforts to aid the cause of education in Alabama; and

WHEREAS, he has dedicated his time and energy to Jefferson State Community College while serving as the First President from August 1964 to February 1971; and

WHEREAS, the Legislature of Alabama desires to honor this man by naming him President Emeritus of Jefferson State Community College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Dr. LeRoy Brown is hereby named and designated as President Emeritus of Jefferson State Community College, Birmingham, Alabama, a title to be used in an honorary manner without remuneration or benefits.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Dr. LeRoy Brown as a memento of this honorary designation by the State Legislature.

Approved April 22, 1993

Time: 6:07 P.M.

Act No. 93-231

H.J.R. 268 – Reps. Biddle, Payne, Morton

HOUSE JOINT RESOLUTION

NAMING DOCTOR GEORGE L. LAYTON AS PRESIDENT EMERITUS OF JEFFERSON STATE COMMUNITY COLLEGE, BIRMINGHAM, ALABAMA.

WHEREAS, Dr. George L. Layton has been tireless in his efforts to aid the cause of education in Alabama; and

WHEREAS, Dr. Layton has dedicated his time and energy to Jefferson State Community College while serving as the second President from June 1971 to December 1979; and

WHEREAS, under Dr. Layton's guidance, Jefferson State Community College prospered and served the citizens of Alabama in an exemplary manner; and

WHEREAS, the Legislature of Alabama desires to honor Dr. Layton for his contributions and service to our state by naming him President Emeritus of Jefferson State Community College; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Dr. George L. Layton is named President Emeritus of Jefferson State Community College, Birmingham, Alabama. This title is to be used in an honorary manner without remuneration or benefits.

BE IT FURTHER RESOLVED, That a copy of this resolution be delivered to Dr. Layton so that he may know of our admiration and appreciation.

Approved April 22, 1993

Time: 6:08 P.M.

Act No. 93-232

H.J.R. 269 – Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING MARTHA OWEN FOR OUTSTANDING CONTRIBUTIONS.

WHEREAS, in the early 1970's, Martha Owen began the Wallace College nursing program in Selma, Alabama, which over the years has become one of the most well-known and highly respected of any similar college program for its success in producing highly dedicated, skilled and expertly trained nurses; and

WHEREAS, Mrs. Owen was honored in 1986 by the Alabama Baptist University Alumni Association, her alma mater, when she became the first nurse ever to receive the association's prestigious Profile in Excellence Award; and

WHEREAS, although now retired and in business for herself, Mrs. Owen, during the course of her career with Wallace College, greatly impacted upon the lives of thousands of Selma residents and others in Alabama's Black Belt community, either through her own efforts, or those of her students; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions and service, we hereby most highly commend Martha Owen of Selma, Alabama, for whom a copy of this resolution shall be provided.

Approved April 22, 1993

Time: 6:09 P.M.

Act No. 93-233

H.J.R. 270 – Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING JAMES TERRY OF SELMA, ALABAMA.

WHEREAS, James Terry was recently honored by the Alabama Disabled American Veterans as the most outstanding local veteran employment representative, and for his exceptional contributions to the advancement of the disabled veteran through the Alabama Employment Service; and

WHEREAS, Mr. Terry's generous and dedicated efforts in promoting the cause of those who have sacrificed so much in our behalf are indeed deserving of special acknowledgement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend James Terry of Selma, Alabama, and direct that he receive a copy of this resolution that he may know of our sincere gratitude and esteem.

Approved April 22, 1993

Time: 6:10 P.M.

Act No. 93-234

H.J.R. 271 – Rep. Millican

HOUSE JOINT RESOLUTION

CONGRATULATING THE WINFIELD PIRATES BOYS BASKETBALL TEAM FOR OUTSTANDING ACCOMPLISHMENT.

WHEREAS, the Alabama Legislature most heartily congratulates and commends the Winfield Pirates Boys Basketball Team on the many outstanding accomplishments of the 1992-93 season; and

WHEREAS, under the talented leadership of Head Coach Dale Seals, most ably assisted by Coach David Shaw, Managers Roger Seals and Jake Seals, and Statisticians Shane Varnadoe, Reid Carothers, and Derrick Hawkins, the Pirates team posted the state's longest winning streak of 34 consecutive wins during the season, averaging 86 points per game while holding their opponents to 60 points, and scoring 100 or more points in eight games; and

WHEREAS, the Pirates also compiled an overall record of 34 wins and 1 loss, winning the Marion County Tournament, the West Alabama Conference Tournament, the Big Orange Tournament held at Berry High School in Birmingham, the Area 13 State Tournament, the Sub State Championship, and were runners-up in the 3A State Tournament held in Tuscaloosa; and

WHEREAS, this Pirates team, which was the first Winfield High School team to play in the finals for the State Championship since 1952, winning more games than any Pirates team in the past 40 years, was ranked number 1 in the State of Alabama, Boys 3A Basketball, more than half the season; placed three players, Chad Murray, Jason Cicero and Bart Hyche, on the All State Tournament Team; and the entire team distinguished themselves both on and off the basketball court throughout the season; and

WHEREAS, the Winfield Pirates are Jeremy Thomas, Shannon Wallace, Kevin Chaney, Kerrick Thomas, Bart Hyche, Jason Cicero, Rob Carothers, Reid Robertson, Jason Yarbrough, Ryan Atwell, Chad Murray, Chad Beasley, Mark Perkins and Chase Robertson, each and every one of whom greatly contributed to the team's accomplishments of the 1992-93 season; and

WHEREAS, the citizens of Winfield, supporters of Winfield High School athletics, students, alumni, friends and the Legislature are justly proud of the accomplishments of this Pirates team and wish to express their appreciation and continued support; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend the 1992 Winfield Pirates Boys Basketball Team, coaches and staff, and do further direct

that copies of this resolution be provided for Principal Steve Brown and Superintendent Dale Brashier for appropriate presentation and display at Winfield High School.

Approved April 22, 1993

Time: 6:11 P.M.

Act No. 93-235 H.J.R. 274 – Reps. Zoghby, Rockhold, Harper,
Kennedy, Box, Clark (W),
Buskey, Kvalheim, Gaston,
Turner

HOUSE JOINT RESOLUTION

DESIGNATING THE WEEK OF APRIL 25 TO MAY 1, 1993,
AS MOBILE CRIME VICTIMS' RIGHTS WEEK IN THE CITY OF
MOBILE.

WHEREAS, the Victims' Service Providers Subcommittee is joining forces with victim service programs, criminal justice officials, and concerned citizens throughout America to observe "1993 National Crime Victims' Rights Week"; and

WHEREAS, violence is on the rise in America, with one violent crime committed every 17 seconds, and with 35 million Americans victimized in the United States each year, crime victims are rapidly becoming a majority in our nation; and

WHEREAS, as a nation devoted to liberty and justice for all, America must increase its efforts to protect and restore crime victims' rights; and

WHEREAS, all citizens of America must do their part to stop violence by reporting crimes, by supporting more equitable sentencing laws, and by refusing to tolerate injustice in our homes or on our streets; and

WHEREAS, crime victims and those who serve them deserve our support in their quest to secure victim justice, and a national commitment to violence reduction and victim assistance will help bring criminals to justice and justice to victims; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature designates the week of April 25 to May 1, 1993, as "Mobile Crime Victims' Rights Week" in the City of Mobile.

BE IT FURTHER RESOLVED, That the Alabama Legislature reaffirms its commitment to address victims' rights and criminal justice during 1993 Crime Victims' Rights Week and throughout the year.

RESOLVED FURTHER, That a copy of this resolution be presented to the Victims' Service Providers Subcommittee of the City of Mobile so that they may know of our support.

Approved April 22, 1993

Time: 6:12 P.M.

Act No. 93-236

H.J.R. 275 – Rep. Hooper

HOUSE JOINT RESOLUTION

COMMENDING THE U8 MICKLEBOROS SOCCER TEAM ON ITS 1992 SEASON.

WHEREAS, the U8 Mickleboros Soccer Team won seven games, lost no games, and tied two games during its 1992 season; and

WHEREAS, the U8 Mickleboros Soccer Team defeated the U8 Sabel Steel Soccer Team by a score of three goals to none to win the city championship; and

WHEREAS, Coach John Fendley and Assistant Coach Tom Walters led Patrick Walters, Bryant Dyess, Adam Dyess, Thomas Hooper, Max Coblentz, Blake Holden, Taylor Fendley, Andrew Schwartz, Zack Rolen, Granger Shook, and Joel McElroy to a victorious season and city championship; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend the coaches and the team on their championship season and the high quality of their sporting conduct, and do further direct that copies of this resolution be presented to Coach John Fendley for appropriate display.

Approved April 22, 1993

Time: 6:13 P.M.

Act No. 93-237

H.J.R. 276 – Rep. Hooper

HOUSE JOINT RESOLUTION

COMMENDING THE MONTGOMERY YMCA U8 STING SOCCER TEAM FOR AN UNDEFEATED SEASON AND TOOK FIRST PLACE IN ITS LEAGUE.

WHEREAS, the Montgomery YMCA U8 Indoor Soccer League played its season in Alabama's first indoor soccer facility located on the grounds of the Garrett Coliseum; and

WHEREAS, during the 1992-1993 winter season, the Montgomery YMCA U8 Sting Soccer Team won eight games, lost no games, and tied no games; and

WHEREAS, Coach John Fendley led Taylor Fendley, Granger Shook, Hoke Sullivan, Christy Cleveland, Thomas Hooper, Laura Harvell, Elizabeth Fain, Bryant Dyess, Adam Dyess, Leslie Jones, and Katherine Till in an undefeated season where the team took the first place title in the league; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate the coach and the team on their victorious season and commend the efforts of those business and civic leaders who provided the indoor soccer arena for the benefit of Montgomery's children, and do further direct that copies of this resolution be presented to Coach John Fendley for appropriate display.

Approved April 22, 1993

Time: 6:14 P.M.

Act No. 93-238

H.J.R. 280 – Rep. Walker

HOUSE JOINT RESOLUTION

RECOGNIZING JULY 13, 1993, AS THE 25TH ANNIVERSARY OF GOODWILL INDUSTRIES OF CENTRAL ALABAMA, INC.

WHEREAS, the disabled and handicapped who seek to contribute the fruits of their labor to the betterment of our State are worthy of the support of all the citizens of Central Alabama; and

WHEREAS, vocational rehabilitation of the disabled and handicapped requires a comprehensive program of services administered by a professional staff, including vocational assessment and counseling, guidance, job training and placement; and

WHEREAS, Goodwill Industries of America was founded to answer the growing needs of our local communities for vocational rehabilitation services to handicapped and disabled citizens, "Offering a Chance and Not Charity"; and

WHEREAS, Goodwill Industries of Central Alabama, Inc., which has been providing these vital services to the disabled in our communities since July 1968, depends for its annual budget upon Federal service contracts for Vocational Rehabilitation Services (VRS), as well as upon the donations of time, money, goods and services received from the generous citizens of Alabama; and

WHEREAS, Goodwill Industries of Central Alabama, Inc., is accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), as well as by the Federal Department of Labor, Wage and Hour Division; and

WHEREAS, Goodwill Industries of Central Alabama, Inc., was recognized as the "1982 Facility of the Year" by the Alabama Association of Rehabilitation Facilities; and

WHEREAS, in 1992 alone, Goodwill Industries of Central Alabama, Inc., provided training and employment to 111 disabled employees and 113 VRS employees, and enabled five disabled clients and 41 VRS clients to reenter the workforce; and

WHEREAS, as of January 1993, 241 clients were receiving paychecks from Goodwill Industries of Central Alabama, Inc.; and

WHEREAS, July 13, 1993, has been set aside as the 25th Anniversary of Goodwill Industries of Central Alabama, Inc.; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby recognize July 13, 1993, as the 25th Anniversary of Goodwill Industries of Central Alabama, Inc., and do further urge the citizens of Alabama to continue their support of this outstanding service facility.

Approved April 22, 1993

Time: 6:15 P.M.

Act No. 93-239

H.J.R. 284 – Rep. Campbell

HOUSE JOINT RESOLUTION

COMMENDING J. GEORGE MITNICK, RECIPIENT OF THE BROTHERHOOD AWARD FROM THE NATIONAL CONFERENCE OF CHRISTIANS AND JEWS.

WHEREAS, in consensus of commendation with the National Conference of Christians and Jews (NCCJ), the Alabama

Legislature notes the bestowal of the distinguished Brotherhood Award upon J. George Mitnick of Jasper, Alabama, in recognition of community contributions exemplifying the NCCJ's "commitment to build better relations among all people"; and

WHEREAS, a highly decorated veteran of World War II, with combat service in the European Theatre of Operations, Mr. Mitnick has devoted some fifty years in service to his country, and to the community, supporting positive change in human relations and understanding among all people; and

WHEREAS, George Mitnick, among numerous other leadership endeavors, has been significantly involved in activities related to mental health, higher education, business and finance, and is well-known throughout the halls of government, and the community, as a staunch advocate in these areas; and

WHEREAS, as one of only three 1993 recipients of the Brotherhood Award who have now been placed on the NCCJ Honor Roll, Mr. Mitnick was introduced at the Twenty-Fifth Annual Awards Dinner held in Birmingham on March 11, 1993, by United States Senator Richard C. Shelby; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding community and civic service and as the recipient of the 1993 Brotherhood Award by the National Conference of Christians and Jews, we hereby commend J. George Mitnick of Jasper, Alabama, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

Approved April 22, 1993

Time: 6:16 P.M.

Act No. 93-240

H.J.R. 288 – Reps. Curry, Spratt, Sanderson,
Hawkins, Perdue, Rogers (F),
Biddle, Carns, Rogers (J),
Newton (D), Morton, Petelos,
Barnes, Gaines, McClain,
McDowell, Payne

HOUSE JOINT RESOLUTION

DESIGNATING THE ALABAMA THEATRE FOR THE PERFORMING ARTS AS THE STATE HISTORIC THEATRE.

WHEREAS, the Alabama Theatre opened on December 26, 1927; it was named the "Showplace of the South" by the movie mogul Adolph Zukor; and

WHEREAS, once a part of the Paramount Theatre Chain, the Alabama Theatre is currently owned by the Birmingham Landmarks Corporation; and

WHEREAS, having operated as a motion picture house for 55 years, the theatre was formerly the home of the Miss Alabama pageant and played host to the world's largest Mickey Mouse Fan Club with over 15,000 members; and

WHEREAS, numerous stars of Broadway and the Silver Screen have appeared on the stage, including John Barrymore, Roy Rogers, and Alabama's own Tallulah Bankhead; and

WHEREAS, the Alabama Theatre is home to "The Mighty Wurlitzer" organ; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby name and designate the Alabama Theatre for the Performing Arts as the official State Historic Theatre for the State of Alabama, and do further authorize the proper officials to erect and maintain appropriate signs and markers that reflect this action of the Legislature.

Approved April 22, 1993

Time: 6:17 P.M.

Act No. 93-241

H.J.R. 296 – Rep. Zoghby

HOUSE JOINT RESOLUTION

COMMENDING GEORGE T. SANDOZ OF MOBILE, ALABAMA, FOR OUTSTANDING SERVICE TO OTHERS.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes George Sandoz of Mobile, Alabama, for his many years of dedicated service to the blind; and

WHEREAS, George Sandoz, who was recently honored by the Mobile Association for the Blind, has diligently served the association for some 48 years, 29 of which he served as treasurer; and

WHEREAS, named an honorary board member, Mr. Sandoz, over the course of his longtime tenure, has faithfully supported the

association in its efforts to aid the visually handicapped in the Mobile area, teaching them skills, promoting the products they produce, and encouraging public awareness and support for the association and its endeavors; and

WHEREAS, Mr. Sandoz retired in 1974 as vice president in charge of customer service, following a career spanning some 43 years with Merchants National Bank, now First Alabama Bank; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of distinguished service to the Mobile Association for the Blind and untiring efforts on behalf of the visually handicapped, we hereby most highly commend George T. Sandoz of Mobile, Alabama, for whom a copy of this resolution shall be provided.

Approved April 22, 1993

Time: 6:18 P.M.

Act No. 93-242

H.J.R. 297 – Rep. Laird

HOUSE JOINT RESOLUTION

COMMENDING WELR-FM RADIO FOR OUTSTANDING COMMUNITY SERVICE.

WHEREAS, the Legislature of Alabama herein most highly commends WELR-FM Radio for outstanding service in providing a lifeline for snowbound residents of East Alabama and West Georgia during the recent record snowfall that left countless people without power and, due to roads blocked by downed trees and/or live power lines, many were unable to leave their homes for emergency shelter; and

WHEREAS, WELR-FM, or “Eagle 102,” served as a link to the outside world for these residents who were reassured upon hearing WELR answer their calls with “Snowjam ’93”; and

WHEREAS, the station’s coverage also greatly assisted utility officials who, by monitoring the station, were able to obtain addresses and locations of customers who could not get calls through to the power company; and

WHEREAS, Eagle 102 began covering the storm at 4:00 a.m. Friday morning, March 12, and continued non-stop for the next 92 hours, until midnight, March 15; and

WHEREAS, among those to be praised for their efforts are Coleman Vice and Lee Smith who broadcast through the night on Friday and Sunday, respectively, as well as Jim Vice and Don Strength, who provided almost continuous news and up-dated information, with special reports from West Georgia provided by Donald Boyd; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding community service, and in gratitude for their selfless and dedicated efforts, we hereby most highly commend WELR-FM Radio, and direct that copies of this resolution be provided for appropriate presentation and in token of our sincere praise and regard.

Approved April 22, 1993

Time: 6:19 P.M.

Act No. 93-243

H.J.R. 299 – Rep. Holmes

HOUSE JOINT RESOLUTION

COMMENDING DR. FELIX NATHANIEL NIXON, PRESIDENT OF THE ALABAMA MISSIONARY STATE BAPTIST CONVENTION.

WHEREAS, Dr. Felix Nathaniel Nixon, President of the Alabama Missionary State Baptist Convention, is a native of York, Sumter County, Alabama, where he graduated with honors from York West End High School in 1954, having returned in 1952 to complete his education after working for AT&N Railroad for 16 years; he began his formal Christian education at Meridian (Mississippi) Baptist Seminary, and received his B.D., D.D. and D.S.T. degrees from Union Baptist Seminary in Birmingham; and

WHEREAS, Dr. Nixon, who accepted his call to the ministry in 1948, has pastored Missionary Baptist Churches in York, Boligee, Cromwell, Winfield, Epes, Demopolis, and Birmingham, Alabama, and is the founder of Elim Missionary Baptist Church of Birmingham, which was organized in 1976 and, by orders of the church, elected Dr. Nixon Pastor-for-Life; and

WHEREAS, Dr. Nixon, for his lifetime of worshiping God and serving his fellowman, is a legend in his own time, which is reflected in the positions and memberships he holds, including Moderator of

the Mount Hermon District Association of Sumter County, President of Sumter County NAACP, Chairman of the Alabama Democratic Conference (ADC) of Sumter County, member of the Sumter County Board of Education for over 17 years, and now President of the Alabama Missionary State Baptist Convention, among numerous other leadership and service involvements; and

WHEREAS, he further has been lauded on numerous occasions in recognition of accomplishments, including such distinctions as Who's Who in America, and has been honored with the naming of the Sumter County Board of Education Central Office building as the "F. N. Nixon Administration Building," and the designation of "F. N. Nixon Drive" in York; and

WHEREAS, Dr. Nixon also has been honored as the Father of Civil Rights in Sumter County, as a member of the Alabama Senior Citizens' Hall of Fame, and as the recipient of the Golden Eagle Honorary Award; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend Dr. F. N. Nixon, President of the Alabama Missionary State Baptist Convention, for outstanding achievement and service, and direct that he receive a copy of this resolution in small token of our highest personal regard.

Approved April 22, 1993

Time: 6:20 P.M.

Act No. 93-244

H.J.R. 301 – Reps. McMillan, Penry

HOUSE JOINT RESOLUTION

RECOGNIZING BALDWIN COUNTY COMMISSIONER, MAX FOREMAN.

WHEREAS, in its desire to recognize outstanding service to others by citizens of this state, the Legislature of Alabama notes with gratitude the many years of patriotic, civic, and humanitarian service of Dr. Max M. Foreman, lifetime veterinarian, civic leader, former City Councilman and County Commissioner of Baldwin County; and

WHEREAS, Dr. Foreman was born April 1, 1922, in Andalusia, Alabama; graduated third in a class of 63 from Auburn University; and, subsequently, volunteered and served 3 1/2 years on active duty with the U.S. Navy during World War II when, in a torpedo

boat squadron, he experienced the invasion of Normandy and patrolled the English Channel for over a year; and

WHEREAS, as a veterinarian, Dr. Foreman initially interned with Dr. Marshall Coffee, president of the American Veterinary Medical Association, and the two established one of the largest veterinary practices in the State of Kentucky; shortly thereafter, he returned to Alabama, taking residency in Baldwin County, and established a reputation as one of the most knowledgeable and reputable veterinarians in the State of Alabama; and

WHEREAS, most noteworthy was Dr. Foreman's many years of humanitarian efforts in assisting those in need, with complete disregard for their ability to pay; this included years of veterinary services, as well as supplies, and livestock purchased and procured by himself and furnished to the people of Bolivia, Central America and Ethiopia, where he served voluntarily and without pay; and

WHEREAS, Dr. Foreman, whose civic mindedness is unsurpassed and most creditable, has served as president of the Foley Retail Merchants' Association and the Baldwin County Cattleman's Association; Commander of the American Legion (Foley); Surgeon of the VFW (Foley); Standby Dean at South Baldwin Hospital; as a member of the South Baldwin County Chamber of Commerce, the Foley City Council, and the Foley Library Board; through his initiation of the first county beautification project and horse show; as a faithful supporter of the American Red Cross to which he has donated 7 1/2 gallons of his own blood; among countless other deeds and positions of service; and

WHEREAS, Dr. Foreman served four years as a Baldwin County commissioner during which time his sound judgment, fiscal responsibility and progressive philosophy contributed to many improvements in county government, including road/bridge construction, creation of nationally recognized programs in the development of parks and rural transportation, as well as dramatic improvement in environmental protection, conservation and education with model programs in these areas; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Commissioner Max M. Foreman for his love of and countless services and personal sacrifices on behalf of Baldwin County, the State of Alabama, and the United States of America.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Commissioner Foreman, in sincere praise and as a small token of appreciation on behalf of the citizens of the State of Alabama.

Approved April 22, 1993

Time: 6:21 P.M.

Act No. 93-245

H.J.R. 302 – Rep. Gaines

HOUSE JOINT RESOLUTION

COMMENDING JAMES MATTHEW BOWER ON BECOMING AN EAGLE SCOUT.

WHEREAS, in commendation and esteem, the Alabama Legislature congratulates James Matthew Bower of Hoover, Alabama, on becoming an Eagle Scout; and

WHEREAS, the son of Mr. and Mrs. Warren Bower, and a member of Troop 23, James Matthew Bower began his scouting path in February 1987, and has held positions of Assistant Patrol Leader, Assistant Senior Patrol Leader, Patrol Leader, Troop Guide, and Venture Crew Chief; and

WHEREAS, Mr. Bower is a member of the Order of the Arrow and Order of the Arrow Ceremony Team, and Aviation Explorers Post 521 in which he holds the rank of Major, and has held positions as Secretary, and as Sergeant at Arms; and

WHEREAS, Mr. Bower, a senior at W.A. Berry High School, has been active in the marching band and, as a member of the Berry Drama Department, Mr. Bower was voted the best actor in the State of Alabama and a member of the All Star Cast, and has appeared in five plays and two musicals; and

WHEREAS, as an Eagle Scout project, Mr. Bower built and erected five wood duck houses and created other shelters for the wildlife in and around Paradise Lake; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Eagle Scout James Matthew Bower of Hoover, Alabama, for outstanding achievement, and do further direct that he receive a copy of this resolution that he may know of our sincere praise and best wishes for every future success in life.

Approved April 22, 1993

Time: 6:22 P.M.

Act No. 93-246

H.J.R. 303 – Rep. Anderson

HOUSE JOINT RESOLUTION

COMMENDING THE AUSTIN HIGH SCHOOL BLACK BEARS ON THE 1993 STATE CLASS 6A BASKETBALL CHAMPIONSHIP.

WHEREAS, the 1993 basketball season, a superb one for the Austin High Black Bears, was a season of championships which included the area title, the sub-state title, and the prized State Class 6A Championship; and

WHEREAS, the Black Bears, who finished the season with 30 wins and only three losses, defeated Bradshaw 60-50, for the area title; Lee, 72-66, and Grissom, 68-63 for the sub-state title; and defeated Central Tuscaloosa (58-56), McGill Toulon (69-48), and Tuscaloosa County (54-44), for the State 6A Championship, a title they last held 20 years ago when legendary Coach Joe Jones led Austin to the championships in 1969 and 1973; and

WHEREAS, the Austin Black Bears achieved these remarkable accomplishments under the brilliant tutelage of Head Coach Bob Harp, who was most ably assisted by Coaches Stuart Allen, Chip Miller, and Steve Tendley; Managers Michael Stover, Demond Garth and Damian Pearson; and Coach Larry Patterson, serving as team trainer; and

WHEREAS, the team's roster of champions consists of All-Tournament player and MVP Rod Bass, and All-Tournament player Brian Kincaid, along with their talented teammates Nick Pisani, Jody Witt, Quentine Pryor, Arthur Morris, Todd Greenlee, Cal Morris, Shae Reynolds, Chris Weakley, Andreas Stevenson, and Shawn Reed; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coach Bob Harp and his staff, and the Austin High School Black Bears on the 1993 State Class 6A Basketball Championship, and do further direct that copies of this resolution be provided for appropriate presentation and school display.

Approved April 22, 1993

Time: 6:23 P.M.

Act No. 93-247

H.J.R. 304 – Rep. Haynes

HOUSE JOINT RESOLUTION

COMMEMORATING THE LIFE AND WORKS OF WILLIAM F. OVERBEY IN SERVICE TO TALLADEGA COUNTY CHAPTER, ALABAMA EASTER SEAL SOCIETY.

WHEREAS, William F. Overbey, who died on October 3, 1992, was a native of Kingsport, Tennessee, and a veteran of service in the United States Armed Forces from 1951 to 1953; and

WHEREAS, Bill Overbey attended and received the B.A. degree in 1959, and the Master's degree in 1961 from the University of Alabama; and

WHEREAS, he met and married his wife, the former Virginia Kyser at Alabama, and they were the parents of four children, Mary Beth Overbey, Tuscaloosa; David Overbey and Wendy Overbey Gaines, Talladega; and Patty Overbey Brock, Mobile; and

WHEREAS, Bill joined Alabama Institute for Deaf and Blind (AIDB) as an audiologist in 1961 and, except for a period when he worked at the University of Alabama, Spain Rehabilitation Center, and the Bristol (Tennessee) Speech and Hearing Center, served AIDB in an outstanding manner until his death; and

WHEREAS, also while ably serving the Institute, music being an inspiration for his life, he gave of himself to his church, First United Methodist of Talladega, where he sang bass in the choir; and

WHEREAS, Bill served faithfully as a member of various organizations in his chosen field, including the Talladega County Chapter, Alabama Easter Seal Society, and, for fourteen years, coordinated the Summer Speech Programs cosponsored by the Alabama Institute for Deaf and Blind, and by the Talladega County, City and Sylacauga School systems, whereby speech therapy was provided for some 1,500 children and hearing screenings for some 16,000 children; and

WHEREAS, Bill was a member of and held the Certificate of Clinical Competence with the American Speech and Hearing Association, was licensed to practice audiology by the Alabama Board of Examiners for Speech Pathology and Audiology, and was a member of the Speech and Hearing Association of Alabama; and

WHEREAS, in all phases of his endeavors, personally and professionally, Bill Overbey was a valuable, enthusiastic, and dedicated servant of those around him; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That William F. Overbey is hereby posthumously recognized by these legislative bodies for his untiring service to mankind.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Talladega County Chapter, Alabama Easter Seal Society, and that a copy also be presented to Mr. Overbey's family as a memento of this recognition by the Legislature.

Approved April 22, 1993

Time: 6:24 P.M.

Act No. 93-248

H.J.R. 305 – Reps. Kvalheim, Gaston
Zoghby

HOUSE JOINT RESOLUTION

COMMENDING ROSIE CHAMBERS FOR OUTSTANDING
ACHIEVEMENT.

WHEREAS, the Alabama Legislature notes with great pleasure the appointment to the Mobile Circuit Court of Rosie Chambers, who is the first woman ever to hold this position; and

WHEREAS, Mrs. Chambers, a native Mobilian, who attended St. Paul's Episcopal School and Spring Hill College in Mobile, graduated from Vanderbilt University and received her Law Degree from the University of Alabama in 1984; prior to her appointment as Circuit Court Judge in the Domestic Relations Division of Mobile County, she was engaged in the private practice of law as a partner in the firm of Bryant, Chambers, Blacksher, and Lester and also worked part time as a Mobile City Prosecutor; and

WHEREAS, Judge Chambers, in filling the vacancy created by the retirement of Judge Charles Dodson, Jr., was chosen from a number of eligible candidates and, by virtue of her extensive legal experience in divorce, child custody and domestic dispute cases, is indeed highly qualified for the position of domestic relations judge; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service to the legal community, we hereby commend Rosie Chambers, Mobile County's newest and first woman Circuit Court Judge, and do further direct that she receive a copy of this resolution of sincere tribute in small token of this body's sincere warm praise and esteem.

Approved April 22, 1993

Time: 6:25 P.M.

Act No. 93-249

H.J.R. 307 – Rep. Grayson

HOUSE JOINT RESOLUTION

COMMENDING BARBARA JEAN HENDERSON ANTHONY
FOR OUTSTANDING ACHIEVEMENT AND SERVICE TO THE
TEACHING PROFESSION.

WHEREAS, the third annual Retiree Observance was held on January 10, 1993, at Fellowship Presbyterian Church in Huntsville, Alabama, and had as its theme, "Celebrating Excellence and Dedication to the Teaching Profession"; and

WHEREAS, among those being honored by their church was Dr. Barbara Jean Henderson Anthony, who was born and reared in the Guntersville community; she is a magna cum laude graduate of Alabama A and M University, received her Master's degree from George Peabody College for Teachers, and earned a Doctorate degree from the University of Alabama; and

WHEREAS, Dr. Anthony is a former teacher in the Tuscaloosa and Madison County Schools, and as an Associate Professor at Alabama A and M, taught both graduate and undergraduate courses; advised undergraduate elementary education majors; served as advisor to Alpha Kappa Mu Honor Society and the Elementary/Secondary Education Club; and otherwise served her Alma Mater as a member of numerous departmental, school and university committees; and

WHEREAS, further reflecting her outstanding achievement and accomplishments is her dedicated involvement in professional, civic and community affairs, as well as the many distinctions she has received from various organizations, most especially from Alpha Kappa Alpha Sorority, Incorporated, of which she is a member; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with Fellowship Presbyterian Church, Huntsville, in paying tribute to Dr. Barbara Jean Henderson Anthony for "Excellence and Dedication to the Teaching Profession," and do further direct that she receive a copy of this resolution executed in sincere praise and with highest personal regard.

Approved April 22, 1993

Time: 6:26 P.M.

Act No. 93-250

H.J.R. 310 – Reps. Hill, Knight (A)

HOUSE JOINT RESOLUTION

COMMENDING AND EXPRESSING APPRECIATION TO
THE ALABAMA POWER COMPANY.

WHEREAS, in consensus of commendation, the Alabama Legislature expresses praise and appreciation to the Alabama

Power Company for their extraordinary efforts in the aftermath of the recent snowstorm and sub-freezing conditions; and

WHEREAS, employees of the Power Company in Shelby County, including the service department, line crews, support staff and management, worked diligently and tirelessly for extended periods of time and under the most severe weather conditions to restore power to thousands of homes and businesses without service, and to reach customers who were stranded and unable to seek emergency shelter due to downed trees and power lines; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of a job well done, we hereby most highly commend the men and women of Alabama Power Company for their personal sacrifice and exceptional efforts on behalf of the citizens of our state.

BE IT FURTHER RESOLVED, That copies of this resolution of sincere tribute be provided for appropriate presentation to Alabama Power Company.

Approved April 22, 1993

Time: 6:27 P.M.

Act No. 93-251

H.J.R. 317 – Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, April 8, 1993, they adjourn to meet again on Tuesday, April 13, 1993.

Approved April 22, 1993

Time: 6:28 P.M.

Act No. 93-252

H.J.R. 329 – Reps. McClain, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter,

Clark (J), Clark (W), Clay,
 Collins, Cosby, Crow, Cullins,
 Curry, Dolbare, Drake, Flowers,
 Ford, Freeman, Fuller, Gaines,
 Gaston, Goodwin, Grayson,
 Gullatt, Hall, Hamilton,
 Hammett, Haney, Harper,
 Harvey, Hawkins, Haynes,
 Higginbotham, Hill, Hogan,
 Holladay, Holley, Holmes,
 Hooper, Johnson, Kennedy,
 Knight (A), Knight (J), Kvalheim,
 Laird, Layson, Letson, Lindsey,
 Mathis, McDaniel, McDowell,
 McKee, McMillan, Melton, Mikell,
 Millican, Morrow, Morton,
 Newton (C), Newton (D),
 Parker (P), Parker (T), Payne,
 Penry, Perdue, Petelos, Poole,
 Powell, Rich, Richardson,
 Rockhold, Rogers (F), Rogers (J),
 Sanderford, Sanderson,
 Smith (C), Smith (R), Spratt,
 Starkey, Thomas, Turner,
 Turnham, Venable, Walker,
 Warren, White, Williams, Willis,
 Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JERRY D. COLEMAN OF FAIRFIELD, ALABAMA.

WHEREAS, it is with deep sorrow and regret that the Legislature of Alabama records the death of Mr. Jerry D. Coleman of Fairfield, Alabama, on April 1, 1993; and

WHEREAS, a longtime resident of Fairfield and a highly prominent member of his community, Mr. Coleman was a retired educator and former Fairfield City Councilman who served on the Council for 24 years, including the last eight years as Council President; and

WHEREAS, Mr. Coleman, who was one of the first Blacks elected to office in Fairfield, is credited with much of the City's progress over the past decade, including the development of the Flintridge Shopping Complex and Belleview Plaza Shopping Center, the renovation of City Hall, and the construction of the Fairfield Community Center; and

WHEREAS, in other selfless service, Mr. Coleman was an active member and Sunday School teacher at First Baptist Church of Fairfield, a member of Omega Psi Phi Fraternity, and served as a member of the Boards of Directors of both the Fairfield Chamber of Commerce and Fairfield Democratic Women; and

WHEREAS, the lamentable death of Jerry D. Coleman has indeed left an unfathomable void in the life of the community, and in the hearts of his beloved family, many friends, and all those whose lives he touched in Christian love, care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Jerry D. Coleman of Fairfield, Alabama, and extend our most heartfelt sympathy to his wife, Mrs. Gladys T. Coleman, many nieces and nephews, other relatives, and countless friends throughout the community, whose sorrow we share and for whom a copy of this resolution of sincere condolence shall be provided.

Approved April 22, 1993

Time: 6:29 P.M.

Act No. 93-253

S. 459 – Senators Bolling, Bedsole, Owens,
Mitchem, Waggoner, Hale,
Campbell, Lindsey, Floyd and
Amari

AN ACT

Relating to Extended Unemployment Compensation; to amend Section 25-4-75, Code of Alabama 1975, to discontinue application of certain special restrictions on entitlement and to substitute therefor provisions of this chapter applicable to claims for regular compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 25-4-75, Code of Alabama 1975, is amended to read as follows:

“§25-4-75.

“(a) Applicability of section. — Notwithstanding any other provisions of this chapter, the duration of benefits as provided in section 25-4-74 shall be extended as provided in this section.

“(b) Definitions. — As used in this section, unless the context clearly requires otherwise, the following terms shall mean:

"(1) EXTENDED BENEFIT PERIOD. A period which:

"a. Begins with the third week after a week for which there is a state 'on' indicator; and

"b. Ends with either of the following weeks, whichever occurs later:

"1. The third week after the first week for which there is a state 'off' indicator; or

"2. The thirteenth consecutive week of such period; provided, that no extended benefit period may begin by reason of a state 'on' indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this state.

"(2) STATE 'ON' INDICATOR. There is a 'state 'on' indicator' for this state for a week if the director determines, in accordance with the regulations of the U. S. secretary of labor, that for the period consisting of such week and the immediately preceding 12 weeks, the rate of insured unemployment (not seasonally adjusted) under this section:

"a. For any weeks beginning prior to September 26, 1982, equaled or exceeded that required by this section prior to such date.

"b. For any week beginning on September 26, 1982, or thereafter:

"1. Equaled or exceeded 120 percent of the average of such rates for the corresponding 13-week period ending in each of the preceding two calendar years; and

"2. Equaled or exceeded five percent; provided, that with respect to benefits for weeks of unemployment beginning after September 25, 1982, the determination of whether there has been a 'state 'on' indicator' beginning any extended benefit period shall be made under this paragraph b as if this paragraph b did not contain subparagraph 1 thereof and the 'five' contained in subparagraph 2 thereof were 'six'.

"(3) STATE 'OFF' INDICATOR. There is a 'state 'off' indicator' for this state for a week if the director determines, in accordance with the regulations of the U. S. secretary of labor, that for the period consisting of such week and the immediately preceding 12 weeks:

"a. For any weeks beginning prior to September 26, 1982, the rate of insured unemployment under this section was less than that required by this section prior to such date.

"b. For any weeks beginning on September 26, 1982, or thereafter, the requirements of either subparagraph 1 or 2 of paragraph (2) b of this subsection (b) were not satisfied, except that the six percent provision does not apply in determining an 'off' indicator.

"(4) RATE OF INSURED UNEMPLOYMENT. For the purpose of subdivisions (2) and (3) of this subsection (b), such term means the percentage derived by dividing:

"a. The average weekly number of individuals filing claims for regular state benefits in this state for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the director on the basis of his reports to the U. S. secretary of labor, by

"b. The average monthly employment covered under this chapter for the first four of the most recent six completed calendar quarters ending before the end of such 13-week period.

"(5) REGULAR BENEFITS. Benefits payable to an individual under this chapter or under any other state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. 85), other than extended benefits.

"(6) EXTENDED BENEFITS. Benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. 85) payable to an individual under the provisions of this subsection for weeks of unemployment in his eligibility period.

"(7) ELIGIBILITY PERIOD OF AN INDIVIDUAL. The period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such extended benefit period.

"(8) EXHAUSTEE. An individual who, with respect to any week of unemployment in his eligibility period:

"a. Has received, prior to such week, all of the regular benefits that were available to him under this chapter or any other state law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. 85) in his current benefit year that includes such week; provided, that for the purposes of this subdivision (8), an individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to wages and/or employment that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or

"b. His benefit year having expired prior to such week, has no, or insufficient, wages on the basis of which he could establish a new benefit year that would include such week; and

"c. 1. Has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965 and such other federal laws as are specified in regulations issued by the U.S. secretary of labor; and

"2. Has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada; but, if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law, he is considered an exhaustee.

"(9) STATE LAW. The unemployment insurance law of any state, approved by the U. S. secretary of labor under section 3304 of the Internal Revenue Code of 1954.

"(c) Effect of state law provisions relating to regular benefits on claims for, and the payment of, extended benefits. — Except when the result would be inconsistent with the other provisions of this section, as provided in the regulations of the director, the provisions of this chapter which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

"(d) Eligibility requirements for extended benefits. — An individual shall be eligible to receive extended benefits with respect to any week of unemployment in his eligibility period only if the director finds that with respect to such week:

"(1) He is an 'exhaustee,' as defined in subdivision (b)(8) of this section.

"(2) He has satisfied the requirements of this chapter for the receipt of regular benefits that are applicable to individuals claiming extended benefits, including not being subject to a disqualification for the receipts of benefits.

"(e) Weekly extended benefit amount. — The weekly extended benefit amount payable to an individual for a week of total unemployment in his eligibility period shall be an amount equal to the weekly benefit amount payable to him during his applicable benefit year.

"(f) Total extended benefit amount. — The total extended benefit amount payable to any eligible individual with respect to his applicable benefit year shall be 50 percent, rounded to the nearest multiple of \$1.00, of the total amount of regular benefits which were payable to him under this chapter in his applicable benefit year.

"(g) Beginning and termination of extended benefit period. —

"(1) Whenever an extended benefit period is to become effective in this state, as a result of a state 'on' indicator, or an extended benefit period is to be terminated in this state as a result of a state 'off' indicator, the director shall make an appropriate public announcement.

"(2) Computations required by the provisions of subdivision (b)(4) of this section shall be made by the director, in accordance with regulations prescribed by the U.S. secretary of labor.

"(h) Cessation of extended benefits when paid under an interstate claim in a state where extended benefit period is not in effect. —

"(1) Except as provided in subdivision (2) of this subsection (h), an individual shall not be eligible for extended benefits for any week if:

"a. extended benefits are payable for such week pursuant to an interstate claim filed in any state under the interstate benefit payment plan; and

"b. no extended benefit period is in effect for such week in such state.

"(2) The provisions of subdivision (1) of this subsection (h) shall not apply with respect to the first two weeks for which extended benefits are payable (determined without regard to this subsection) pursuant to an interstate claim filed under the interstate benefit payment plan to the individual from his extended benefit amount established for the benefit year.

"(i) Restrictions on entitlement during eligibility period. —

"(1) Notwithstanding the other provisions of this section, payment of any extended benefits under this section shall not be made to any individual for any week of unemployment in his eligibility period:

"a. during which he fails to accept any offer of suitable work as defined in subdivision (3) of this subsection (i) or fails to apply for any such suitable work to which he was referred by the director; or

"b. during which he fails to actively seek work, except as provided in subdivision (a)(5) of section 25-4-77, but only with regard to the exception for the appearance for jury duty as provided therein.

"(2) If any individual is ineligible for extended benefits for any week by reason of a failure described in subdivision (1) of this subsection (i), the individual shall be ineligible to receive extended benefits for any week during a period which:

"a. begins with the week following the week in which such failure occurs and

"b. does not end until such individual has been employed in at least four weeks which begin after such failure and the total of the remuneration earned by the individual for being so employed is not less than four times his extended weekly benefit amount for his benefit year.

"(3) For the purposes of this subsection (i), the term 'suitable work' means, with respect to any individual, any work which is within such individuals' capabilities; except that, if the individual furnishes evidence satisfactory to the director that such individual's prospects for obtaining work in his customary occupation within a reasonably short period are good, the determination of whether any work is suitable work shall be made in accordance with other provisions of this chapter.

"(4) Extended benefits shall not be denied under paragraph a of subdivision (1) of this subsection (i) to any individual for any week by reason of a failure to accept an offer of, or apply for, suitable work:

"a. if the gross average weekly remuneration payable to such individual for the position does not exceed the sum of

"1. the individual's extended weekly benefit amount for the benefit year plus

"2. the amount if any of supplemental unemployment benefits (as defined in 26 U.S.C. 501(c)(17)(D)) payable to such individual for such week;

"b. if the position was not offered to such individual in writing or was not listed with the state employment service;

"c. if such failure would not result in a denial of benefits under the other provisions of this chapter to the extent that such provisions are not inconsistent with subdivisions (4) and (5) of this subdivision (i); or

"d. if the position pays wages less than the higher of the minimum wages provided under section 6 (a) (1) of the Fair Labor Standards Act of 1938, as amended, without regard to any exemption or the applicable state or local minimum wage, if any.

"(5) For purposes of this subsection (i), an individual shall be treated as actively engaged in seeking work during any week if the individual has engaged in a systematic and sustained effort to obtain work during such week, and provides tangible evidence to the director that he has engaged in such effort during such week.

"(j) Referral of extended claimant to job. — Extended benefit claimants shall be referred to any available suitable work to which the definition in subdivision (4) of subsection (i) does not apply.

"(k) Employment required after involuntary separation. — No provision of section 25-4-78 which terminates a disqualification for

regular or extended benefits because he or she has voluntarily left employment, was suspended or discharged for misconduct (in any of the degrees defined in section 25-4-78) or failed to accept an offer of or apply for suitable work shall apply for purposes of determining eligibility for extended benefits unless the disqualification imposed has been terminated based upon employment in four weeks and remuneration of an amount which equals or exceeds four times the individual's weekly benefit amount subsequent to the effective date of such disqualification.

"(l) Effective date of added provisions. — The provisions of subsections (h), (i), (j), (k) and (l) of this section shall apply to weeks of unemployment which begin after March 31, 1981, except the provisions of subsection (i), (j), and (k) shall not apply to claims for weeks of unemployment beginning after March 6, 1993, the provisions of this chapter applicable to claims for regular compensation shall apply, thereafter.

"(m) Effect of receipt of trade readjustment allowances. — Notwithstanding any other provisions of this section, if the benefit year of any individual ends within an extended benefit period, the remaining balance of extended benefits that such individual would, but for this subsection (m), be entitled to receive in that extended benefit period, with respect to weeks of unemployment beginning after the end of the benefit year, shall be reduced (but not below zero) by the product of the number of weeks for which the individual received any amounts as trade readjustment allowances within that benefit year, multiplied by the individual's weekly benefit amount for extended benefits."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 22, 1993

Time: 5:28 P.M.

Act No. 93-254

S. 497 – Senator Owens

AN ACT

To make a supplemental appropriation from the Alabama Special Educational Trust Fund in the State Treasury to the several local boards of education for the fiscal year ending September 30, 1993.

Be It Enacted by the Legislature of Alabama:

Section 1. There is appropriated from the Alabama Special Educational Trust fund in the State Treasury the sum of \$3,906,000 to the following local boards of education for capital

outlay purposes to reconstruct, renovate or repair school buildings that have been destroyed or damaged by fire or other natural disaster since October 1, 1990:

- a. Attalla City Board of Education -
Curtiston Elementary90,000
- b. Autauga County Board of Education -
Marbury School and Autaugaville
School Gymnasium.....1,300,000
- c. Calhoun County Board of Education -
Pleasant Valley School.....75,000
- d. Macon County Board of Education -
Tuskegee Institute High School81,000
- e. Talladega County Board of Education1,150,000
- f. Covington County Board of Education -
Straughn High School415,000
- g. Escambia County School System320,000
- h. Walker County Board of Education -
Oakman Elementary and High School150,000
- i. Chilton County Board of Education -
Henry Adair Middle School25,000
- j. Shelby County Board of Education -
Montevallo Middle School.....200,000
- k. Sumter County Board of Education100,000

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 22, 1993

Time: 5:29 P.M.

Act No. 93-255

S. 138 – Senator Mitchell

AN ACT

To amend the title and Section 2 of Act 92-677, H. 29, 1992 Second Special Session, to provide further for the use and dissemination of data maintained in the state judicial information system; to provide for the recoupment of costs for accessing and using the judicial information system and for printing, publication, and distribution of court forms, manuals, pamphlets, and informational materials supplied to

individuals, corporations, partnerships, and governmental agencies and departments which are not part of the unified judicial system; and to provide that the proceeds collected from the recoupment of costs shall be deposited in the Court Automation Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. The title of Act 92-677, H. 29, 1992 Second Special Session is amended to read as follows:

“To levy upon each person convicted of a crime in a municipal, district, or circuit court a criminal history processing fee; to provide that the fee shall be deposited into the Public Safety Automated Fingerprint Identification System Fund and Court Automation Fund; to provide for the use and dissemination of data maintained in the state judicial information system; to provide for the recoupment of costs for accessing the judicial information system and for the printing and publication costs of court forms, manuals, and informational materials; to provide that the proceeds collected from the recoupment of costs shall be deposited in the Court Automation Fund; and to make appropriations.”

Section 2. Section 2 of Act 92-677, H. 29, 1992 Second Special Session is amended to read as follows:

“Section 2. (a) There is created in the State Treasury a fund to be designated as the Public Safety Automated Fingerprint Identification System Fund and a fund to be designated as the Court Automation Fund. Seven dollars of each additional fee collected pursuant to this act shall be deposited into the State Treasury to the credit of the Public Safety Automated Fingerprint Identification System Fund and three dollars to the Court Automation Fund. All money deposited in the State Treasury to the credit of the Public Safety Automated Fingerprint Identification System Fund shall be expended for operations and maintenance of the Automated Fingerprint Identification System. All money deposited in the State Treasury Court Automation Fund shall be expended for equipment, operations, supplies, maintenance, and training related to court automation, court cost collection and the timely and efficient processing of court cases and for the other purposes enumerated in this section. No money shall be withdrawn or expended from these funds for any purpose unless the money has been allotted and budgeted in accordance with Article 4 (commencing with Section 41-4-80) of Chapter 4 of Title 41 of the Code of Alabama 1975, and only in the amounts and for the purposes provided by the Legislature in the general appropriations bill or other appropriation bills.

“(b) All data collected and maintained in the state judicial information system from the automated management systems operated by the Administrative Office of Courts and all manuals, forms, brochures, and publications developed by the Administrative

Office of Courts shall be used to assist with the administrative and management needs of court officials and employees within the unified judicial system. The authority for control and dissemination of data from the system or distribution of judicial forms, manuals, and publications to any individuals, corporations, partnerships, or governmental associations outside the unified judicial system is vested in the Administrative Director of Courts.

“(c) The Administrative Director of Courts shall promulgate policies and procedures, in conformity with rules adopted by the Supreme Court of Alabama, for the handling of applications for information from the state judicial information system and applications for court forms, manuals, and publications from all persons or entities outside the unified judicial system. The Administrative Director of Courts may establish in the policies and procedures, subscription, rental, or user fees, and other charges applicable to non-judicial system entities to be used to offset the costs involved in transferring or providing any information requested.

“(d) All monies received by the Administrative Office of Courts from applications, user fees, service charges, subscriptions, donations, grants, leases, rentals, bequests, loans or any other sources, either public or private, relating to the operation and administration of the state judicial information system or the publication and distribution of court forms and informational material shall be deposited in the Court Automation Fund. The fund shall be used to help defray the costs of maintenance, acquisition and operation of the computer system and the research, preparation, printing, and distribution of forms and manuals, which shall include, but not be limited to, equipment, supplies, line charges, printing, salaries for employees, and other incidental expenses required for the operation or expansion of the system or associated with developing and distributing informational materials.

“(e) Nothing contained in this section shall be construed to prevent, prohibit, or otherwise limit or restrict public access to individual court records from the official custodians thereof, if the records are otherwise subject to public disclosure by law or court rule, nor shall anything in this act be construed to allow access to any court records which are not otherwise subject to public disclosure by law or court rule.”

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective on the first day of the second month after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1993

Time: 6:45 P.M.

Act No. 93-256

S. 177 – Senator Ellis

AN ACT

To amend Sections 12-15-1, 12-15-33, 12-15-65, and 12-15-71, Code of Alabama 1975, relating to the Juvenile Justice Act to provide further for the multiple needs child; to provide for the transfer of certain cases to the juvenile court from other courts; to provide for the proceeding to allow withdrawal from school; to create the Alabama Children's Services Facilitation Team and a county children's services facilitation team in each county; to create the State Multiple Needs Children Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 12-15-1, 12-15-33, 12-15-65, and 12-15-71, Code of Alabama 1975, are amended to read as follows:

“§12-15-1.

“When used in this chapter, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

“(1) **ADULT.** An individual 19 years of age or older.

“(2) **AFTERCARE.** Such conditions and supervision as the court orders after release of legal custody.

“(3) **CHILD.** An individual under the age of 18, or under 19 years of age and before the juvenile court for a matter arising before that individual's 18th birthday.

“(4) **CHILD IN NEED OF SUPERVISION.** A child who:

“a. Being subject to compulsory school attendance, is habitually truant from school; or

“b. Disobeys the reasonable and lawful demands of the child's parents, guardian, or other custodian and is beyond their control; or

“c. Has committed an offense established by law but not classified as criminal or one applicable only to children; and

“d. In any of the foregoing, is in need of care or rehabilitation.

“(5) **COMMIT.** Transfer legal and physical custody.

“(6) **CONSENT DECREE.** An order, entered after the filing of a delinquency petition and before the entry of an adjudication order, suspending the proceedings and continuing the case of the child under supervision in the child's own home, under terms and conditions agreed to by all parties concerned.

“(7) **COURT or JUVENILE COURT.** The juvenile division of the district court or the juvenile division of the circuit court as established by this chapter.

"(8) DELINQUENT ACT. An act committed by a child that is designated a violation, misdemeanor or felony offense under the law of this state or of another state if the act occurred in another state or under federal law or a violation of a municipal ordinance. Provided, that the term shall not include traffic offenses committed by one 16 years of age or older, other than those charged pursuant to Section 32-5A-191 or a municipal ordinance prohibiting the same conduct. Provided, further, the term shall not include any criminal act, offense, or violation committed by a child who has previously been transferred for criminal prosecution pursuant to Section 12-15-34 and convicted or adjudicated a youthful offender on the criminal charge.

"(9) DELINQUENT CHILD. A child who has committed a delinquent act and is in need of care or rehabilitation.

"(10) DEPENDENT CHILD. A child:

"a. Who, for any reason is destitute, homeless, or dependent on the public for support; or

"b. Who is without a parent or guardian able to provide for the child's support, training, or education; or

"c. Whose custody is the subject of controversy; or

"d. Whose home, by reason of neglect, cruelty, or depravity on the part of the parent, parents, guardian, or other person in whose care the child may be, is an unfit and improper place for the child; or

"e. Whose parent, parents, guardian or other custodian neglects or refuses, when able to do so or when such service is offered without charge, to provide or allow medical, surgical, or other care necessary for the child's health or well-being; or

"f. Who is in such condition or surroundings or is under such improper or insufficient guardianship or control as to endanger the morals, health, or general welfare of the child; or

"g. Who has no proper parental care or guardianship; or

"h. Whose parent, parents, guardian or custodian fails, refuse, or neglect to send the child to school in accordance with the terms of the compulsory school attendance laws of this state; or

"i. Who has been abandoned by the child's parents, guardian, or other custodian; or

"j. Who is physically, mentally, or emotionally abused by the child's parents, guardian, or other custodian or who is without proper parental care and control necessary for the child's well-being because of the faults or habits of the child's parents,

guardian, or other custodian or their neglect or refusal, when able to do so, to provide them; or

"k. Whose parents, guardian, or other custodian are unable to discharge their responsibilities to and for the child; or

"l. Who has been placed for care or adoption in violation of the law; or

"m. Who for any other cause is in need of the care and protection of the state; and

"n. In any of the foregoing, is in need of care or supervision.

"(11) **DETENTION CARE.** The temporary care of delinquent children or children alleged to be delinquent in secure custody pending court disposition or transfer to a residential facility or further care of a child adjudicated a delinquent.

"(12) **GUARDIAN AD LITEM.** A licensed lawyer appointed by a court to defend or represent a child in any action to which such child may be a party.

"(13) **INTAKE OFFICE.** The office in the probation service or designee of the judge with the duty of primary contact with the law enforcement agency and complainants of children coming under the jurisdiction of the court.

"(14) **JUDGE.** Judge of the juvenile court as prescribed by this chapter.

"(15) **LAW ENFORCEMENT OFFICER.** Any person, however denominated, who is authorized by law to exercise the police powers of the state or local governments.

"(16) **LEGAL CUSTODIAN.** A person, agency or department, other than a parent or legal guardian, to whom legal custody of the child has been given by court order or who is acting in loco parentis.

"(17) **LEGAL CUSTODY.** A legal status created by court order which vests in a custodian the right to have physical custody of the child and to determine where and with whom the child shall live within the state and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, clothing, education, and ordinary medical care, all subject to the powers, rights, duties, and responsibilities of the guardian of the person of the child and subject to any residual parental rights and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by the juvenile court.

"(18) **MINOR.** An individual who is under the age of 19 years and who is not a 'child' within the meaning of this chapter.

"(19) MULTIPLE NEEDS CHILD. A child coming to the attention of the court or one of the entities listed herein who is at imminent risk of out-of-home placement or a placement in a more restrictive environment, as a result of the conditions of emotional disturbance, behavior disorder, mental retardation, mental illness, dependency, chemical dependency, educational deficit, lack of supervision, delinquency, or physical illness or disability, or any combination thereof, and whose needs require the services of two or more of the following entities: department of youth services, public school system (services for exceptional needs), department of human resources, department of public health, juvenile court probation services or department of mental health and mental retardation.

"(20) PROBATION. The legal status created by court order following an adjudication of delinquency or in need of supervision whereby a child is permitted to remain in a community subject to supervision and return to court for violation of probation at any time during the period of probation.

"(21) PROTECTIVE SUPERVISION. A legal status created by court order following an adjudication of dependency whereby a child is permitted to remain in the child's home subject to supervision and to return to the court for violation of protective supervision at any time during the period of protective supervision.

"(22) RESIDENTIAL FACILITY. A dwelling, other than a detention or shelter care facility, providing living accommodations, care, treatment, and maintenance for children, including institutions, foster family homes, group homes, half-way houses, and forestry camps, and, where not operated by a public agency, licensed or approved to provide such care.

"(23) RESIDUAL PARENTAL RIGHTS AND RESPONSIBILITIES. Those rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including, but not necessarily limited to, the right of visitation, the right to consent to adoption, the right to determine religious affiliation, and the responsibility for support.

"(24) SHELTER CARE. The temporary care of children in group homes, foster care, or other nonpenal facilities."

"§12-15-33.

"(a) If it shall be ascertained during the pendency of a criminal or quasi-criminal charge that the defendant was a child, as defined in this chapter, at the time of the alleged offense, that court, which shall have the duty to ascertain such age, shall forthwith transfer the case, together with all the papers, documents

and transcripts of any testimony connected therewith, to the juvenile court. The transferring court shall order that the juvenile be taken forthwith to the place of detention designated by the juvenile court or to the juvenile court itself or shall release the juvenile to the custody of the parent or guardian or other person legally responsible for the juvenile or under the juvenile's own recognition, to be brought before the court at a time designated by it. The accusatory pleading may serve in lieu of a petition in the juvenile court, unless that court directs the filing of a petition. The juvenile court shall then proceed as provided in this chapter. All action taken by the court prior to transfer of the case shall be deemed null and void unless the juvenile court transfers under section 12-15-34.

“(b) The provisions of subsection (a) of this section requiring transfer of cases involving a child to the juvenile court shall not apply to a child who has been previously transferred for criminal prosecution and convicted or adjudicated a youthful offender on the criminal charge pursuant to Section 12-15-34 or a child 16 years of age or older charged with a traffic offense other than driving under the influence of alcohol or controlled substances in violation of Section 32-5A-191 or a municipal ordinance prohibiting the same conduct.”

“§12-15-65.

“(a) Hearings under this chapter shall be conducted by the court without a jury and separate from other proceedings. The general public shall be excluded from delinquency, in need of supervision or dependency hearings and only the parties, their counsel, witnesses and other persons requested by a party shall be admitted. Other persons as the court finds to have a proper interest in the case or in the work of the court may be admitted by the court on condition that the persons refrain from divulging any information which would identify the child or family involved. If the court finds that it is in the best interest of the child, the child may be temporarily excluded from the hearings, except while allegations of delinquency or in need of supervision are being heard.

“(b) After the filing of a petition when the petition alleges or evidence reveals to the court that a child may be a multiple needs child, and that previous plans developed by an agency, or agencies, have not met the needs of the child, the court, on its own motion or motion of a party or party's parent or guardian or upon motion of the Department of Youth Services, a school system, the Department of Human Resources, the Department of Public Health, the Department of Mental Health and Mental Retardation, or juvenile court probation services, may refer the child to the county children's services facilitation team for evaluation and review. This evaluation may occur prior to any hearing, or

the court may suspend proceedings during the hearing or prior to disposition to review the findings and recommendations of the county children's services facilitation team.

"(c) The parties shall be advised of their rights under law in their first appearance at intake and before the court. They shall be informed of the specific allegations in the petition and given an opportunity to admit or deny the allegations.

"(d) If the allegations are denied, the court shall proceed to hear evidence on the petition. The court shall record its findings on whether or not the child is a dependent child or, if the petition alleges delinquency or in need of supervision, as to whether or not the acts ascribed to the child were committed by the child. If the court finds that the allegations in the petition have not been established, it shall dismiss the petition and order the child discharged from any detention or temporary care, theretofore ordered in the proceedings.

"(e) If the court finds on proof beyond a reasonable doubt, based upon competent, material, and relevant evidence, that a child committed the acts by reason of which the child is alleged to be delinquent or in need of supervision it may proceed immediately to hear evidence as to whether the child is in need of care or rehabilitation and to file its findings thereon. In the absence of evidence to the contrary, evidence of the commission of an act which constitutes a felony is sufficient to sustain a finding that the child is in need of care or rehabilitation. If the court finds that the child is not in need of care or rehabilitation, it shall dismiss the proceedings and discharge the child from any detention or other temporary care theretofore ordered.

"(f) If the court finds from clear and convincing evidence, competent, material, and relevant in nature, that the child is dependent and in need of care or supervision or from clear and convincing evidence, competent, relevant, and material in nature, that the child is in need of care or rehabilitation as a delinquent child or a child in need of supervision, or from clear and convincing evidence, competent, relevant, and material in nature that parental rights should be terminated, the court may proceed immediately, in the absence of objection showing good cause or at a postponed hearing, to make proper disposition of the case.

"(g) In disposition hearings all relevant and material evidence helpful in determining the questions presented, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value, even though not competent in a hearing on the petition. The parties or their counsel shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making reports.

"(h) A statement made by a child under the age of 12 describing any act of sexual conduct performed with or on the child by another, not otherwise admissible by statute or court rule, is admissible in all dependency cases brought by the state of Alabama acting by and through a local department of human resources if:

"(1) The statement was made to a social worker, child sex abuse therapist or counselor, licensed psychologist, physician, or school or kindergarten teacher or instructor; and

"(2) The court finds that the time, content, and circumstances of the statement provide sufficient indicia of reliability. In making its determination the court may consider the physical and mental age and maturity of the child, the nature and duration of the abuse or offense, the relationship of the child to the offender, and any other factor deemed appropriate.

"A statement may not be admitted under this section unless the proponent of the statement makes known to the adverse party the proponent's intention to offer the statement and the particulars of the statement sufficiently in advance of the proceedings to provide the adverse party with a fair opportunity to rebut the statement. This child hearsay exception applies to all hearings involving dependency including, but not limited to, the 72-hour hearing, the dependency hearing, and the disposition hearing.

"(i) This exception contained herein shall not apply to a criminal proceeding or charge.

"(j) On its own motion or that of a party, the court may continue the disposition hearing under this section for a reasonable period to receive reports and other evidence bearing on the disposition or need for care or rehabilitation. In this event, the court shall make an appropriate order for detention or temporary care for the child, or the child's release for detention or temporary care during the period of the continuance, subject to such conditions as the court may impose.

"(k) A proceeding to allow a child to withdraw from school shall be commenced by petition. The petition shall be granted only upon a showing of good cause for withdrawal. No child shall be deemed incorrigible, in need of supervision, or unamenable to treatment based on the filing of the petition.

"In the case of any child 14 years of age or older, where the court finds that the school officials have made a diligent effort to meet the child's educational needs and, after study, the court further finds that the child is not able to benefit appreciably from further schooling, the court may excuse the child from further compliance with

any legal requirement of compulsory school attendance and authorize the child, notwithstanding the provisions of any other law, to be employed in any occupation which is not legally declared hazardous for children under the age of 18."

"§12-15-71.

"(a) If a child is found to be dependent, the court may make any of the following orders of disposition to protect the welfare of the child:

"(1) Permit the child to remain with the child's parents, guardian, or other custodian, subject to conditions and limitations as the court may prescribe;

"(2) Place the child under protective supervision as herein provided or under the supervision of the department of human resources;

"(3) Transfer legal custody to any of the following:

"a. The department of human resources; provided, that the department is equipped to care for the child;

"b. A local public child-placing agency or private organization or facility willing and able to assume the education, care, and maintenance of the child and which is licensed by the department of human resources or otherwise authorized by law to receive and provide care for the child; or

"c. A relative or other individual who, after study by the department of human resources, is found by the court to be qualified to receive and care for the child;

"(4) Make such other order as the court in its discretion shall deem to be for the welfare and best interests of the child;

"(5) In appropriate cases, award permanent custody to the department of human resources or to a licensed child-placing agency with termination of parental rights and authorization to place for adoption, without appointing a legal guardian or guardian of the person, or award temporary custody to the same without appointing a legal custodian or guardian or guardian of the person.

"(6) There shall be a rebuttable presumption that children cannot be removed from custody of parents solely because of a need for emergency housing.

"(b) Unless a child found dependent shall also be found to be delinquent, the child shall not be committed to or confined in an institution established for the care and rehabilitation of delinquent children or detention facility. Nothing in this subsection

shall be construed to prohibit the placement of dependent children in any other residential facility as defined in subdivision (22) of section 12-15-1.

“(c) If a child is found to be delinquent or in need of supervision, the court may make any of the following orders or dispositions for the child’s supervision, care, and rehabilitation:

“(1) Permit the child to remain with the child’s parents, guardian, or other custodian, subject to the conditions and limitations the court may prescribe;

“(2) Place the child on probation under conditions and limitations the court may prescribe;

“(3) Transfer legal custody to any of the following:

“a. The department of youth services, with or without a commitment order to a specific institution;

“b. In the case of a child in need of supervision, the department of youth services, or the department of human resources;

“c. A local, public, or private agency, organization, or facility willing and able to assume the education, care, and maintenance of the child and which is licensed or otherwise authorized by law to receive and provide care for children;

“d. A relative or other individual who, after study by the probation services, is found by the court to be qualified to receive and care for the child;

“(4) Make any other order as the court in its discretion shall deem to be for the welfare and best interests of the child, including random drug screens, assessment of fines not to exceed \$250.00, and restitution against the parent, guardian, or child, as the court deems appropriate. Costs for court-ordered drug screening may be ordered paid for by the state out of moneys appropriated as ‘court costs not otherwise provided for.’ Any costs for drug screening recouped by order of court for drug screening shall be paid to the state general fund; or

“(5) Direct the parent or custodian of the child to perform such reasonable acts as are deemed necessary to promote the best interest of the child.

“(d) No child by virtue of a disposition under this section shall be committed or transferred to a penal institution or other facility used for the execution of sentences of persons convicted of a crime.

“(e) No child found to be in need of supervision, unless also found to be delinquent, shall be committed to or placed in an institution or facility established for the care and rehabilitation of

delinquent children unless the court finds upon a further hearing that the child is not amenable to treatment or rehabilitation under any prior disposition or unless the child is again alleged to be a child in need of supervision and the court, after hearing, so finds.

“(f) When a delinquent child is committable to an institution or agency for the mentally retarded or mentally ill, the court shall proceed as provided in section 12-15-70 rather than committing to an institution or facility for the care and rehabilitation of delinquent children.

“(g) Whenever the court vests legal custody in an agency or department, it shall transmit with the order copies of the clinical reports, predisposition study, and other information it has pertinent to the care and treatment of the child.

“(h) (1) Regardless of the nature of the petition or allegation, when evidence is presented to the court that a child is at imminent risk of an out-of-home placement or a placement in a more restrictive environment as a result of the conditions of emotional disturbance, behavior disorder, mental retardation, mental illness, dependency, chemical dependency, education deficits, lack of supervision, delinquency, physical illness or disability, or any combination thereof, and if such conditions require the services of two or more agencies pursuant to section 12-15-1(19), the juvenile court shall refer the child to the county children’s services facilitation team for assessment and recommendations unless a current facilitation team plan is available to the court. Within 21 days of receipt of the referral, the county children’s services facilitation team shall present to the court a preliminary plan of services addressing the needs of the child and the respective responsibilities of agencies composing this team. Upon receipt of these preliminary recommendations, the juvenile court may adjudge the child as a ‘multiple needs child’ and in accordance with the county children’s services facilitation team plan, unless the court finds it not in the best interest of the child, order the use of any dispositional alternative or service available for dependent or delinquent children or children-in-need-of-supervision, children who are emotionally disturbed, mentally retarded, or mentally ill, or children who need specialized educational services, or children who need health services, or any combination thereof. The county children’s services facilitation team shall be responsible for developing a final service plan which shall be filed with the court. The member agencies shall be responsible for the implementation of any ordered service plan. The court may, on its own motion, or on motion of a party, a party’s parent or guardian, or a member of the county or state children’s services facilitation team, set additional hearings.

“(2) No child, unless alleged or adjudicated delinquent, may be placed in detention facilities established primarily for delinquents.

"(3) The juvenile court shall determine the appropriate custodial entity, based on the child's characteristics of behavior and type of treatment needed and in accord, as far as possible, with the provisions of this chapter for vesting legal custody in an entity, person or department of a child determined to be dependent, in need of supervision, delinquent, mentally ill, or mentally retarded. Nothing in this subsection, however, shall require an order of commitment for a child to (i) receive services or (ii) be placed in the custody of a state agency or department as an adjudicated multiple needs child. It shall be the duty of probation services, and the departments of education, youth services, mental health and mental retardation, public health and human resources to provide services both at an in-home, community or residential setting for multiple needs children when ordered by the court.

"(4) The juvenile court may appoint a guardian ad litem for a multiple needs child.

"(5) The provisions of subdivisions (h)(1), (2), (3), and (4) which require new or additional services beyond those already provided by the agencies are mandated only to the extent that additional funds are appropriated to the State Multiple Needs Children Fund to implement its provisions. The departments of human resources, mental health and mental retardation, youth services, and education along with juvenile probation services shall develop a program of services for multiple needs children. Nothing in the provisions relating to multiple needs children shall prohibit or restrict departments or agencies charged with the duty of providing services for children and families from working cooperatively and providing financial assistance to address needs which have been identified prior to a case being referred to a children's services facilitation team.

"(i) When a child is placed in the custody of the department of human resources, department of mental health and mental retardation, or department of youth services and when the parents or guardians have resources for child support, the juvenile court shall order child support in conformity with the child support guidelines as set out in Rule 32, Alabama rules of judicial administration. The child support shall be paid to the agency in whose primary custody the child is placed and may be expended for those matters that are necessary for the welfare and well-being of those children placed in the agencies. In these cases, the court shall issue income withholding orders subject to state law. Any petition for custody of a child filed by the department of human resources shall contain a request for child support.

"(j) Whenever the court commits a child to a state or local agency or orders a state or local agency to provide services or

treatment for a child, that agency shall accept the child for commitment, ordered services or treatment within seven days of the court's order. However, if compliance with the court's order within seven days would place an agency in violation of either a state statute or standard, then compliance is not required."

Section 2. There is created an Executive Council of the Alabama Children's Services Facilitation Team consisting of the heads of the following departments or agencies: Department of Education, Department of Human Resources, Department of Mental Health and Mental Retardation, Department of Public Health, and the Department of Youth Services. The executive council shall exercise general supervision and oversight over the Alabama Children's Services Facilitation Team, approve its state plan and its budget, oversee all financial arrangements, approve all policies and procedures, as well as amendments thereto, and establish minimum standards for the operation of county children's services facilitation teams.

Section 3. (a) The Alabama Children's Services Facilitation Team is created and shall consist of a representative appointed by the head of the following departments or organizations: The Department of Education, the Department of Human Resources, the Department of Mental Health and Mental Retardation, the Department of Public Health, the Department of Youth Services, and the Association of Chief Juvenile Probation Officers. As used in this act, "state team" means Alabama Children's Services Facilitation Team.

(b) The appointments to the state team shall be for a term of three years beginning October 1, 1993 and each three years thereafter and until their successors are appointed, except that the initial appointments of the representatives of the Department of Human Resources and the Department of Mental Health and Mental Retardation shall be for three years; the initial appointments of the representatives of the Department of Education and the Department of Youth Services shall be for two years; and the initial appointments of representatives of the Department of Public Health and the Association of Chief Juvenile Probation Officers shall be for one year. Any vacancies in the appointed positions shall be filled in like manner as their predecessor and shall serve for the remainder of their predecessor's term and until a successor is appointed. Representatives may be reappointed for additional terms.

(c) The state team shall annually select one of its members to serve as chair and may select other officers as needed.

(d) The state team shall meet at least monthly at a time and place that is mutually agreeable. The initial meeting shall be

called by the Commissioner of the Department of Human Resources within three months of the effective date of this act.

(e) The state team shall:

(1) Develop and implement interagency plans for statewide services for multiple needs children.

(2) Develop guidelines, policies, and procedures, for the allocation of available resources for services to multiple needs children. Such guidelines, policies, and procedures shall be approved by the Executive Council of the Alabama Children's Services Facilitation Team.

(3) Be authorized to exchange records, documents, and information among members of the state and county teams as well as the agencies the members represent for the purposes of assessment, planning, and delivery of services to children.

(4) Consult with the county children's services facilitation teams to ensure that all efforts to provide services locally and in the least restrictive environment are exhausted before a case is referred to the state team. Upon receiving a referral, the Alabama Children's Services Facilitation Team shall develop a plan which shall be binding on the county children's services facilitation team. The Alabama Children's Services Facilitation Team shall have the authority to allocate resources to implement the plan for services and treatment in accordance with the budget approved by the Executive Council of the Alabama Children's Services Facilitation Team.

(5) The state team is authorized to accept and use funds available to it from all sources, including, but not limited to, grants, appropriations, gifts, and donations for the purpose of implementing the provisions of this section. All such funds shall be deposited into the State Multiple Needs Children Fund, which shall be under the management of the Alabama Children's Services Facilitation Team. Monies of the fund may be withdrawn by vouchers authorized by the chair of the state team in accordance with the operations plan approved by the executive council.

(6) The state team shall report periodically to the Alabama Juvenile Justice Coordinating Council on the services available within the state, the number of cases upon which the state team has been consulted or requested to formulate a service plan, and budgetary needs or constraints affecting delivery of services.

(f) The State Children's Services Facilitation Team shall be authorized to employ staff, conditioned upon appropriation of funds, to carry out the duties of the team. Employment may be through contract or appointment under the state merit system, utilizing one of the member agencies as the appointing or contracting

authority. Supervision of any staff provided under this section shall be by the chair of the State Children's Services Facilitation Team.

Section 4. (a) A county children's services facilitation team is created in each county of the state. As used in this act, "county team" means a county children's services facilitation team. The team shall consist of a representative appointed by the head of the following departments or organizations: The local education agency or agencies, the county Department of Human Resources, the Department of Mental Health and Mental Retardation, the Department of Youth Services, and a representative from juvenile probation services appointed by the presiding juvenile court judge.

(b) Appointments to the team shall be for a term of three years beginning October 1, 1993 and each three years thereafter and until their successors are appointed, except that the initial appointments of the representatives of the county Department of Human Resources and the Department of Mental Health and Mental Retardation shall be for three years; the initial appointments of the representatives of the local education agency or agencies and the Department of Youth Services shall be for two years; and the initial appointment of the representative of the juvenile probation services shall be for one year. Any vacancies in the appointed positions shall be filled in like manner as their predecessor and shall serve for the remainder of their predecessor's term and until a successor is appointed. Representatives may be reappointed for additional terms.

(c) The county team shall annually select one of its members to serve as chair and may select other officers as needed.

(d) An organizational meeting of the county team shall be called by the county director of the county Department of Human Resources within three months after the effective date of this act. Other meetings may be held as needed. The county team shall meet within seven days of a case being referred by a court or from notice of a member that there is a need for the team to develop a service plan.

(e) The county team shall:

(1) Comply with the guidelines, policies, and procedures promulgated by the Alabama Children's Services Facilitation Team and approved by the Executive Council of the Alabama Children's Services Facilitation Team.

(2) Be authorized to develop guidelines, policies, and procedures, not in conflict with the minimum standards established by the state team, for the county team.

(3) Be authorized to exchange records, documents, and information among members of the county and state teams, as well as

the agencies the members represent, for the purposes of assessment, planning, and delivery of services to children.

(4) By consensus, develop an individualized service plan to meet the needs of each child who is accepted by the team.

(5) Consult with the Alabama Children's Services Facilitation Team whenever the county team is unable to reach an agreement as to a service plan. In the event a county team requests assistance of the state team because of an inability to agree on a service plan, the service plan developed by the state team shall be binding on the local team, as well as the departments represented.

(6) The county team shall work with the county juvenile justice coordinating council to ensure that appropriate local services are developed, modified, or expanded as the needs of children within the community are identified.

(7) Be authorized to add representatives of other community agencies, temporarily or permanently, based on circumstances of the needs of a child referred to the county team.

(8) The county children's services facilitation team is authorized to accept and use funds available to it from all sources, including, but not limited to, grants, appropriations, gifts, and donations for the purpose of implementing the provisions of this section. All such funds shall be deposited into the county multiple needs children fund, which shall be under the management of the county children's services facilitation team. Monies of the fund may be withdrawn by vouchers or checks authorized by the chair of the county team in accordance with the operations plan approved by the county team.

Section 5. The members of the state and county teams shall be entitled to be reimbursed for their expenses, including travel, lodging, food, and other expenses at the same rate as state employees. The expenses shall be paid by their respective departments or organizations. Travel expenses of members of the team not otherwise reimbursed by the respective departments or organizations may be paid from funds available to the teams.

Section 6. There is established in the State Treasury a fund to be known as the State Multiple Needs Children Fund which shall be administered by the agency designated by the Executive Council of the Alabama Children's Services Facilitation Team. This fund shall consist of all monies appropriated for these purposes from the State General Fund or the Alabama Special Educational Trust Fund, donations, grants, bequests, loans, or any other sources, either public or private, relating to providing services for children identified as multiple needs children.

The State Multiple Needs Children Fund shall be used to provide services not otherwise provided by state departments or agencies for multiple needs children as defined in subdivision (19) of Section 12-15-1, Code of Alabama 1975. Administrative costs connected with the expenditures of state multiple needs children funds shall not exceed a percentage amount established by the executive council.

All funds now or hereafter deposited to the credit of the State Multiple Needs Children Fund shall be expended for the purposes of carrying out the provisions of this act; provided, however, that no funds shall be withdrawn nor expended for any purpose whatsoever unless the same shall have been allotted and budgeted in accordance with the provisions of Article 4 of Chapter 4 of Title 41 of the Code of Alabama 1975, and only in the amounts and for the purposes provided by the Legislature in the general appropriations bill for any specific fiscal year.

The Chief Examiner of the Department of Public Accounts shall develop a uniform accounting system for the State Multiple Needs Children Fund conforming to generally accepted accounting principles. County children's services facilitation teams and programs shall establish and maintain the uniform accounting system.

The annual reports and all records of accounts and financial records of all funds received by the State Multiple Needs Children Fund by grant, contract, or otherwise from state, local, or federal sources, shall be subject to audit annually by the Chief Examiner of the Department of Public Accounts. All audits shall be completed as soon as practicable after the end of the fiscal year of the team.

Section 7. (a) The Executive Council of the Alabama Children's Services Facilitation Team shall adopt policies and procedures relating to the allocation of available resources for providing services for multiple needs children; for granting funds for programs on individuals; and for monitoring, evaluating, and reviewing programs where funds are provided. Funds available to provide services for multiple needs children may be allocated by the Alabama Children's Services Facilitation Team:

- (1) To counties, or groups of counties, based on detailed proposals, for establishing new, needs-based local services or expanding existing programs.
- (2) To provide treatment for individual children.
- (3) For other activities consistent with the purposes of this act.

(b) The state team, with approval of the executive council, shall determine the amount and duration of grants made for new

programs provided for one or more counties. The state team shall also determine the amount of funding to be awarded and the duration in individual cases where local resources have been exhausted. The state team may select projects which meet the criteria and are compatible with the purposes of the multiple needs children program for financial awards.

(c) In order to remain eligible for continued grant funding, a recipient shall substantially comply with the standards and administrative regulations defining program effectiveness which shall be promulgated by the executive council of the state team. Each recipient will participate in an evaluation to determine local and state program effectiveness. The form of this evaluation will be a part of the promulgated policies and procedures.

Continued grant funding shall be based on demonstrated effectiveness in providing services to meet the identified needs.

If it is determined that there are reasonable grounds to believe that a participating county team is not complying with its plan or the minimum standards, the state team shall give 30 days' written notice to the participating entity. If the state team finds that a participating entity is not complying with its plan or the established minimum standards, the state team shall require the entity to provide a letter of intent as to how and when specific deficiencies identified will be corrected. If no letter is submitted to the state team within the time limit specified, or if the deficiencies are not corrected within 45 days after the letter has been submitted to the entity, the funding may be suspended in part or in whole until compliance is achieved.

(d) A quarterly report shall be submitted to the Alabama Juvenile Justice Coordinating Council showing the awards initiated by the state team during the quarter and the cumulative totals for each new services awards, awards for each individual child, and awards for each special project. An annual report shall also be compiled.

Section 8. No other laws, or parts of laws, which are in any manner inconsistent with this act shall be construed to supersede or in any way alter or affect the provisions of this act, and no law shall be operative to the extent it may be in conflict and inconsistent with this act. Specifically, Section 16-28-3, Code of Alabama 1975, establishing the compulsory school attendance age, shall remain in full force and effect.

Section 9. If any section, clause, provision, or portion of this act shall be held invalid or unconstitutional by any court of competent jurisdiction, that holding shall not affect any other section, clause, or provision of this act which is not in and of itself invalid or unconstitutional.

Section 10. This act shall become effective 30 days after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1993

Time: 6:46 P.M.

Act No. 93-257

S. 231 – Senator Little

AN ACT

To create an Alabama Clearinghouse for State Publications within the Alabama Public Library Service and provide for its operation, duties, and authority; to authorize the promulgation of reasonable rules and regulations; to provide for the creation of state publications depositories; and to repeal Section 41-6-12, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intent of the Legislature that:

(1) State publications of public interest be made available to the public.

(2) An efficient distribution and depository system of state publications be established.

(3) The preservation of all state publications having historical value be ensured.

Section 2. As used in this act, the following words shall have the following meanings:

(1) **DEPOSITORY.** An institution which contracts with the Alabama Public Library Service to participate in the state publications depository system.

(2) **STATE AGENCY.** Any permanent or temporary state office, department, division or unit, bureau, board, commission, task force, authority, institution, state college or university, or other unit of state government, whether executive, legislative, or judicial.

(3) **STATE PRINTER.** The state print shop, a commercial printer under contract with a state agency, or a state agency print shop.

(4) **STATE PUBLICATION.** Any document issued by a state agency which the agency may legally release for public distribution, but does not include any of the following:

1. Code of Alabama.
2. Bound volumes of the Acts of Alabama.
3. Legislative bills, journals, and slip laws.
4. The Alabama Digest.
5. Alabama Reporter.

6. Any other items prepared for commercial sales.

7. Correspondence, interoffice or intraoffice memoranda, routine forms, other internal records, or any other item of a strictly administrative nature.

8. Any document published pursuant to the Administrative Procedure Act.

9. Indices prepared by the Legislative Reference Service.

Section 3. There is created as a program of the Alabama Public Library Service, an Alabama Clearinghouse for State Publications. The clearinghouse shall establish and operate a state publications depository system for Alabama publications. The Alabama Public Library Service shall promulgate reasonable rules and regulations necessary to implement this act.

Section 4. (a) The state printer or the responsible state agency shall forward at the expense of the agency at least nine copies of every state publication to the clearinghouse. The clearinghouse shall distribute these copies as follows:

(1) Two to the Alabama Department of Archives and History for permanent retention in its historical collection.

(2) Two to the Library of Congress.

(3) Five to the Alabama Public Library Service to be distributed as follows:

a. One for its reference use.

b. Two for its circulation.

c. Two for reproduction by the Alabama Public Library Service for distribution to depositories.

(b) If the clearinghouse determines that a publication cannot be reproduced in a more suitable format for distribution, the state printer or the responsible state agency shall provide additional copies equal to the number of state publications depositories.

(c) When appropriate for distribution, the clearinghouse shall distribute one copy of every state publication to each state publications depository.

(d) The clearinghouse shall not engage in general public distribution of either state publications or lists of publications. This act shall not affect the existing distribution of state publications by state agencies, except that each state agency shall deposit in the clearinghouse the number of copies of each state publication published by it, certified by the clearinghouse.

Section 5. (a) Every state agency shall designate one of its employees as the publications officer for the agency and notify the clearinghouse of the identity of the publications officer.

(b) Each publications officer shall provide the clearinghouse with nine or more copies of each state publication of the state agency that was not printed by a state printer. Each publications officer shall compile and forward required lists of the state publications of the agency to the clearinghouse and provide other related information as may be requested.

Section 6. (a) The clearinghouse may enter into depository contracts with any municipal or county public library, public library system, state agency, in-state college or university library, or out-of-state research libraries. The requirements for eligibility to contract as a depository library shall be established by the clearinghouse. The standards shall include, but not be limited to, the type of library, the ability to preserve the publications and make them available for public use, and the location and accessibility of the library.

(b) Each depository library shall abide by the rules and regulations promulgated by the Alabama Public Library Service. Noncompliance with the contract shall result in the loss of depository status.

Section 7. The clearinghouse shall issue periodic lists of state publications to the depositories.

Section 8. Funding for the clearinghouse program shall be from separate appropriations provided to the Alabama Public Library Service in a program entitled "Alabama Clearinghouse for State Publications." This act shall not be implemented until the Alabama Public Library Service has determined that sufficient funds have been appropriated for its implementation.

Section 9. This act shall not require state agencies to supply copies of publications produced prior to the implementation date of this act.

Section 10. Section 41-6-12, Code of Alabama 1975, is specifically repealed.

Section 11. This act shall become effective October 1, 1993, after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1993

Time: 6:47 P.M.

Act No. 93-258

S. 326 – Senators Waggoner and Horn

AN ACT

To amend Section 41-9-450, Code of Alabama 1975, providing for the Alabama Sports Hall of Fame Board, to increase the membership of the board from 10 to 14 members and give the Lieutenant Governor and the Speaker of the House each an appointment to the board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-9-450, Code of Alabama 1975, is amended to read as follows:

“§41-9-450.

“There shall be created and established as provided in this article a board to be designated and known as the Alabama sports hall of fame board. The board shall be composed of 14 members, eleven of whom shall be appointed by the governor of Alabama for terms of six years each. Of the first members appointed, two shall serve for two years, and three shall serve for four years as the governor may direct. One board member shall be appointed for each congressional district in the state. One member of the board shall be the chair or president of the Jefferson county civic center board by virtue of the office. One board member shall be appointed by the Lieutenant Governor from the state at-large, and one board member shall be appointed by the Speaker of the House from the state at-large, for terms of six years. The remaining member shall be appointed by the governor of Alabama from the state at-large for a term of six years.

“The members of the board shall select a chair and vice-chair from among their own number. Members of the board shall not be compensated for their services, but each member shall be entitled to reimbursement for expenses incurred in attending board meetings. The board shall meet quarterly and at such other times as its rules and bylaws may prescribe. A majority of the members shall constitute a quorum for transaction of business.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1993

Time: 6:48 P.M.

Act No. 93-259

S. 118 – Senator Bedsole

AN ACT

To prohibit local governments from passing ordinances regulating pesticides, to provide for certain exceptions, and to provide the Alabama Pesticide Act pre-empt any other law or ordinance regulating pesticides.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) The term “pesticides” as used herein shall have the same meaning as set forth in the Alabama Pesticide Act, Section 2-27-2(1), Code of Alabama 1975.

(b) Except as provided in Section 2 of this act, no county, municipal corporation, or other political subdivision of this state shall adopt or continue in effect any ordinance, rule, regulation, or resolution regulating the use, sale, distribution, storage, transportation, disposal, formulation, labeling, registration, manufacturing, or application of pesticides.

Section 2. This act shall not prohibit or affect the right of any county, municipal corporation, or other political subdivision of this state to adopt and enforce the provisions of the Standard Building Code, Standard Fire Prevention Code, or the codes, standards, and recommended practices of the National Fire Protection Association.

Section 3. Any local law or general law of local application regulating pesticide use, sale, distribution, storage, transportation, disposal, formulation, labeling, registration, manufacturing, or application is repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1993

Time: 6:49 P.M.

Act No. 93-260

S. 256 – Senator Denton

AN ACT

To amend Section 16-51-6, Code of Alabama 1975, relating to the Board of Trustees of the University of North Alabama; to establish and implement personnel rules, policies, and practices for the university; and to authorize the board of trustees to merge with another institution without seeking or obtaining legislative or administrative approval.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-51-6 of the Code of Alabama 1975, is amended to read as follows:

“§16-51-6.

“The board of trustees has the power to organize the university by appointing a president, whose salary shall be fixed by the board, and by employing a corps of instructors, who shall be nominated to the board in writing by the president and who shall be styled the faculty of the university and such other instructors and officers as the interests of the university may require; and to remove any

instructors or other officers, and to fix their salaries or compensation and increase or reduce the same at their discretion; to delegate by resolution or bylaw to a committee of the board of trustees or to the president of the university the authority to establish and implement personnel rules, policies, and practices for hiring, promoting, demoting, and terminating instructors, officers, and employees or to take any other action authorized by this section; to regulate, alter, or modify the government of the university, as they may deem advisable; to prescribe courses of instruction, rates of tuition and fees; to confer such academic and honorary degrees as are usually conferred by institutions of similar character; and to do whatever else they may deem best for promoting the interest of the university. In addition to other powers granted to the board of trustees, the board expressly may enter into and implement agreements with the governing board or boards of any other institution or institutions of higher education in Alabama for the purpose of merging those institutions into one successor institution without seeking or obtaining legislative or administrative approval. The merger provisions of this section shall not apply to Alabama A & M University or Alabama State University."

Section 2. This act shall be effective for all fiscal years or periods beginning after September 30, 1993.

Approved April 27, 1993

Time: 6:50 P.M.

Act No. 93-261

S. 427 – Senator Windom

AN ACT

To authorize the state of Alabama and its agencies, boards, commissions and departments, and counties, municipalities, county boards of education, city boards of education and various other political subdivisions, instrumentalities and public corporations to enter into leases, lease-purchase contracts, installment-purchase contracts and similar agreements and arrangements relating to tangible personal property; to delineate certain mandatory and optional provisions of such leases, contracts, agreements and arrangements; to provide the conditions under which such lease contracts, agreements and arrangements shall be deemed not to create a debt of the lessee or purchaser; to declare certain obligations of the governmental entity and certain rights and remedies of the lessor, grantor or other comparable party under such leases, contracts, agreements and arrangements in the event of expiration, cancellation or termination of such leases, contracts, agreements or arrangements, including the obligation of the governmental entity to return the subject property; to authorize governmental entities to specify that such leases, contracts, agreements or arrangements are general obligations of such governmental entity or are limited obligations of such governmental entity payable from a specified source and to secure such leases, contracts, agreements and arrangements

with pledges by governmental entities of taxes levied by such governmental entity, payments in lieu of taxes paid or payable to such governmental entity, taxes apportioned and paid to such governmental entity, income from the investment of moneys lawfully held by such governmental entity and revenues from revenue-producing properties; to declare that such leases, contracts, agreements and arrangements constitute the exercise by such governmental entities of their borrowing power and constitute "evidences of indebtedness" under Section 8-8-7 of the Code of Alabama 1975, as amended, establishing exemptions from usury and similar laws for the bonds, notes, warrants, other evidences of indebtedness or securities of specified governmental entities; to provide that such leases, contracts, agreements and arrangements are legal and authorized investments for banks, savings and loan associations, insurance companies, fiduciaries, and trustees; to provide that such act is declaratory of existing law; to repeal section 11-80-8 of the Code of Alabama 1975, as amended; and to provide an effective date of such act.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be known and may be cited as the Alabama Governmental Leasing Act.

Section 2. It is hereby found and declared by the legislature of Alabama that it is in the public interest that the state, political subdivisions, agencies, boards, commissions and departments thereof, the various counties of the state, the various municipal corporations within the state, county boards of education, city boards of education, instrumentalities of any of the foregoing and public corporations arising under or organized pursuant to any statute of the state shall have the flexibility to finance the acquisition, installation, equipping and/or improvement of any eligible property that such governmental entity otherwise is legally authorized to acquire through the use of lease, lease-purchase and/or installment-purchase financing. It is the intention of the legislature by passage of this act that wherever, either by express grant or by implication, a governmental entity has the power and authority to acquire any eligible property by purchase, lease, lease-purchase, bailment or otherwise, such governmental entity shall have the power and authority to acquire such eligible property through the use of any lease, lease-purchase, lease with option to purchase, installment-sale agreement or arrangement or similar agreement or arrangement authorized by this act. Furthermore, it is the intention of the legislature by passage of this act to authorize each such governmental entity, in its discretion, to enter into lease, lease-purchase and/or installment-purchase contracts and arrangements, on such terms and containing such conditions, stipulations and requirements as such governmental entity shall believe necessary in order to obtain such lease, lease-purchase and/or installment-sale financing or as may be mandated by this act. This act shall be construed liberally in conformity with the intention stated in the foregoing provisions of this section.

Section 3. For the purposes of this act, the following terms shall have the respective meanings provided by this section:

(a) **ALTERNATIVE FINANCING CONTRACT.** A lease, lease-purchase, lease with option to purchase, installment-sale agreement or arrangement, or other similar agreement or arrangement.

(b) **GOVERNMENTAL ENTITY.** The state; any political subdivision of the state; any agency, board, commission or department of the state; any county; any municipal corporation; any county board of education; any city board of education; any instrumentality of any of the foregoing; the state board of education, acting for the respective educational institutions under its supervision; each public corporation that conducts one or more state educational institutions under its supervision; and any public corporation arising under or organized pursuant to any statute of the state.

(c) **GRANTOR PARTY.** The lessor under a lease or lease-purchase contract, grantor under an installment-purchase contract or other comparable party under any other alternative financing contract. Unless otherwise indicated by the context, each reference to grantor party shall include any assignee of the rights of the grantor party under the alternative financing contract.

(d) **ELIGIBLE PROPERTY.** Any tangible personal property, or any interest therein, including without limitation any goods, supplies, materials, appliances, equipment, furnishings and/or machinery, whether or not such items constitute fixtures.

(e) **STATE.** The State of Alabama.

(f) **SUBJECT PROPERTY.** The eligible property which is the subject of an alternative financing contract.

Section 4. In addition to and not as a limitation upon other powers and authority, any governmental entity shall have the power and authority to execute, perform, and authorize payments under any alternative financing contract relating to any eligible property deemed by such governmental entity to be necessary, useful or appropriate to one or more lawful purposes of such governmental entity. Any alternative financing contract may provide financing or a source of funds for any or all costs of acquiring (by lease, purchase, lease-purchase or otherwise), installing, equipping and/or improving any eligible property and for any or all associated costs, fees and expenses (including, without limitation, finance charges).

Section 5. (a) Alternative financing contracts may be for such term, provide for such renewal or extension options, provide for such terminating events, provide for the payment of such rentals, purchase installments, purchase price and other amounts, and contain such other terms, provisions and conditions as the governmental entity shall deem appropriate, and without limitation to

the generality of the foregoing, may contain terms and conditions substantially similar to any one or more of the following:

(1) Provisions for the automatic renewal of the alternative financing contract for one or more successive periods unless affirmative action is taken by the governmental entity to terminate such alternative financing contract, and, if desired, specifying the nature of such affirmative action sufficient to terminate such alternative financing contract;

(2) Provisions for the payment by the governmental entity of interest at such fixed or variable rates of interest as such governmental entity shall deem appropriate or for the allocation of a portion of specified rentals or other payments to interest (which such allocation shall be deemed conclusively correct in the absence of bad faith);

(3) Provisions specifying the rights, remedies, obligations and other liabilities of the parties in the event of a default or other failure to comply with the provisions of the alternative financing contract;

(4) Provisions designating whether the rights and/or obligations of the respective parties under the alternative financing contract shall be subject to assignment and/or delegation or specifying the terms and conditions under which such assignment and/or delegation shall be permitted; provided that, notwithstanding any other statute or law of the state to the contrary, in the absence of an express provision of an alternative financing contract prohibiting the assignment and/or delegation by the grantor party, such grantor party shall be permitted to assign its rights and/or delegate its obligations under such alternative financing contract without the consent or approval of the governmental entity;

(5) Provisions establishing which party to the alternative financing contract will retain title to the subject property and which party to the alternative financing contract will bear the risk of loss with respect to the subject property and provisions establishing the circumstances in which title to and/or risk of loss with respect to the subject property shall be transferred (including, without limitation, provisions establishing any applicable purchase price or formula for computing such purchase price);

(6) Provisions specifying the consequences of theft, casualty loss, destruction, condemnation of or other loss affecting the subject property (in whole or in part), which provisions may specify that in the event of such a theft, casualty loss, destruction, condemnation or other loss the governmental entity shall be required to pay a stipulated amount to the grantor party and that, upon payment of such stipulated amount, title to that subject property (if not already held by the governmental entity) will pass to the governmental entity;

(7) Provisions requiring the governmental entity or the grantor party to maintain casualty insurance with respect to the subject property and/or to maintain liability, workmen's compensation and/or other insurance coverages during the term of the alternative financing contract and specifying the application of the proceeds of such insurance;

(8) If required by the grantor party or its assignee, covenants precluding or limiting the right of the governmental entity to acquire property comparable to the subject property within a specified time (not to exceed five years) after early cancellation or termination of the alternative financing contract or the failure of the governmental entity to exercise all available optional renewals or extensions on the basis of a failure to appropriate funds for payment of amounts due under such alternative financing contract;

(9) Covenants of the governmental entity to indemnify, hold harmless and/or defend the grantor party with respect to any or all of the transactions contemplated by the alternative financing contract and/or in connection with the subject property;

(10) Provisions allocating responsibility for taxes, duties, assessments and other impositions applicable to the alternative financing contract, any transactions contemplated by the alternative financing contract and/or the subject property;

(11) At the option of the governmental entity, a stipulation that such alternative financing contract shall terminate without further monetary obligation on the part of such governmental entity at the close of any fiscal year of such governmental entity in the event sufficient funds shall not have been appropriated or otherwise lawfully set aside to permit the governmental entity to satisfy its obligations under the alternative financing contract during the next succeeding fiscal year of such governmental entity, including during any renewal term under such alternative financing contract; and

(12) Provisions concerning the disposition of the subject property in the event of the expiration, cancellation or termination of an alternative financing contract for any reason (including, without limitation, default by the governmental entity thereunder); including, without limitation, stipulations that upon any such expiration, cancellation or termination of an alternative financing contract under the terms of which either (A) the governmental entity does not have an option to purchase or otherwise to acquire title to the subject property or (B) at the time of such cancellation or termination the governmental entity has not paid in full all amounts specified in such alternative financing contract in order to entitle the governmental entity to title to or transfer of title to the subject

property, (i) such governmental entity shall no longer be entitled to claim any title or interest in the subject property as against the grantor party or any person claiming by, through or under the grantor party and the governmental entity shall, at its sole expense, deliver the subject property to the grantor party at the location specified in or pursuant to the alternative financing contract and in such condition as is specified in the alternative financing contract, (ii) in the event the governmental entity shall fail to return the subject property to the grantor party as described in clause (i), the grantor party shall have the right to take possession of the subject property, (iii) in taking possession of the subject property, a grantor party may proceed without judicial process if this can be done without breach of the peace or may proceed by action and/or (iv) without removal, the grantor party may render subject property constituting personal property or fixtures unusable and may dispose of the same on the governmental entity's premises.

(b) If an alternative financing contract contains the terms contained in subdivision (11) of subsection (a) of Section 5 hereof, such alternative financing contract shall be deemed to obligate the governmental entity thereunder only for those sums payable during the then current fiscal year of such governmental entity, including in the case of a renewable alternative financing contract for those sums payable in the individual fiscal year renewal term, and, if and to the extent any constitutional or statutory debt limit is applicable to such governmental entity, such alternative financing contract shall not be deemed to create a debt of such governmental entity within the meaning of any constitutional or statutory provision. Notwithstanding the foregoing, nothing in this section shall diminish the obligation of a governmental entity to pay all sums payable under such alternative financing contract during the then current fiscal year and to satisfy and discharge all obligations required to be performed under the alternative financing contract during the then current fiscal year of the governmental entity, including in the case of a renewable alternative financing contract those sums payable in the then applicable renewal term and those obligations required to be performed in the then applicable renewal term.

(c) Unless otherwise prohibited by the constitution or statutes of the state, a governmental entity may specify that its obligations under any alternative financing contract shall be a general obligation of such governmental entity or that such obligations shall be payable solely from specified sources. A governmental entity may assign and specifically pledge for the payment of any of its alternative financing contracts constituting general obligations (as additional security therefor) or for the payment of any of its alternative financing contracts constituting limited obligations (as the sole source for the payment thereof), as the case may be, all or any portion of the funds

derived from any one or more of the following sources that are not subject to previous pledges or covenants which would prevent the assignment and pledge hereby authorized, that are not required by the laws and constitution of the state to be devoted to other purposes:

(1) The proceeds from any tax (including any ad valorem tax and any occupational, privilege, license or excise tax) that such governmental entity is authorized to levy at the time of execution of such alternative financing contract;

(2) Any payments in lieu of taxes paid or payable to such governmental entity by other governmental units or by private persons or companies pursuant to contractual arrangements or laws in effect at the time of the execution of such alternative financing contract;

(3) The portion of any tax levied and collected by any other governmental entity that shall be apportioned and paid to such governmental entity pursuant to laws in effect at the time of the execution of such alternative financing contract;

(4) The income derived from the investment of moneys lawfully held by such governmental entity; and

(5) The revenues from any revenue-producing properties owned, leased or operated by such governmental entity, including, without limitation thereto, any water system, sewer system, electric distribution system or other utility.

The pledge of any pledged funds for the obligations of a governmental entity under an alternative financing contract pursuant to this act, together with any covenants of such governmental entity relating to such pledge, shall have the force of contract between such governmental entity and the grantor party or anyone claiming by, through or under the grantor party. To the extent necessary, such pledged funds shall constitute a trust fund or funds which shall be impressed with a lien in favor of the grantor party and any person claiming by, through or under the grantor party. In the event that more than one pledge should be made with respect to any pledged funds, then such pledges shall take precedence in the order in which they are made unless the proceedings making such pledge shall expressly provide that such pledge shall be on a parity with or subordinate to a subsequent pledge of such pledged funds. All alternative financing contracts for which any pledge authorized by this act may be made shall constitute preferred claims against that portion of the pledged funds so pledged, and shall have preference over any claims for any other purpose whatsoever.

(d) The execution of and performance under an alternative financing contract by a governmental entity shall constitute the

exercise of the borrowing power of the governmental entity. Alternative financing contracts shall constitute "other evidences of indebtedness" within the meaning and usage of Section 8-8-7 of the Code of Alabama 1975, as amended.

Section 6. Nothing in this act shall restrict governmental entities from executing contracts arising out of their proprietary functions.

Section 7. The provisions of any alternative financing contract that are either permitted or required to be included therein pursuant to this act shall be valid and enforceable in accordance with their terms notwithstanding any other laws of the state to the contrary. Notwithstanding the foregoing, the laws of the state other than this act shall determine whether a particular alternative financing contract constitutes a lease or a sale of the subject property to the governmental entity with the retention by the grantor party of a security interest and shall determine the applicability of Articles 2, 2A and/or 9 of Title 7 of the Code of Alabama 1975, as amended, to such alternative financing contract.

Section 8. Alternative financing contracts or any interest therein shall be a legal and authorized investment for banks, savings and loan associations, insurance companies, fiduciaries, and trustees.

Section 9. To the extent of any conflict or inconsistency between any provisions of this act and any provisions of any other law as applied to alternative financing contracts entered into in accordance with this act, the provisions of this act shall prevail and control. Subject to the immediately preceding sentence, this act does and shall be construed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to other laws. Any governmental entity may use the provisions of any other law, not in conflict with the provisions of this act, to the extent convenient or necessary to carry out any power or authority, express or implied, granted by this act. Nothing contained in this act shall exempt any governmental entity from the requirements, if applicable, of Section 41-4-115 of the Code of Alabama 1975, as amended.

Section 10. Any grantor party and each person claiming by, through or under a grantor party may conclusively rely on the legal authority of a governmental entity to enter into an alternative financing contract and to perform the obligations of such governmental entity thereunder.

Section 11. It is hereby found, determined and declared that the provisions of this act are declaratory of existing law and the provisions of this act shall not be construed adversely to the legality,

authorization or validity of any contract, agreement or arrangement heretofore entered into by any governmental entity.

Section 12. Section 11-80-8, Code of Alabama 1975, as amended, hereby is repealed.

Section 13. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act, and to this end the provisions of this act are severable.

Section 14. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 27, 1993

Time: 6:51 P.M.

Act No. 93-262

H. 191 – Reps. Harper, Carothers, White,
Holley, Mathis, Williams,
Johnson, Laird, Hammett,
Venable, Warren, Cullins,
Newton (C), Willis, McDowell,
Haynes

AN ACT

To further provide for the funding of Emergency Medical Services Programs; and to provide an appropriation for capital outlay and for the support and maintenance of the Emergency Medical Services Programs for the fiscal year ending September 30, 1993.

Be It Enacted by the Legislature of Alabama:

Section 1. There is appropriated for the fiscal year ending September 30, 1993, the sum of two million three hundred thirty-five thousand three hundred thirty-eight dollars (\$2,335,338), out of the funds accruing to the Alabama Special Educational Trust Fund after the effective date of this act, to be used for capital outlay and for the support and maintenance of the Emergency Medical Services Programs according to the following schedule:

- (1) To the Department of Public Health
for funding the Birmingham Regional
Emergency Medical Services System\$304,978
- (2) To the Department of Public Health
for funding East Alabama Emergency
Medical Services, Inc.\$304,978

- (3) To the Department of Public Health
for funding North Alabama Emergency
Medical Services, Inc.\$304,978
- (4) To the Department of Public Health
for funding Southeast Alabama Emergency
Medical Services, Inc.\$304,978
- (5) To the Department of Public Health
for funding Southwest Alabama Emergency
Medical Services, Inc.\$304,978
- (6) To the Department of Public Health
for funding West Alabama Emergency
Medical Services, Inc.\$304,978
- (7) Trenholm State Technical College\$168,490
- (8) Gadsden State Community College\$168,490
- (9) Lurleen B. Wallace State Junior College\$168,490

Section 2. The amounts appropriated by this act shall be used to fund contracted services pursuant to contracts of the Department of Public Health with the various named agencies for capital outlay and for the operation and maintenance of the various named agencies and for the purchase of instructional supplies and new instructional equipment for the programs. Any funds not contracted for and expended for the purposes of this act shall revert to the appropriate fund at the end of the fiscal year.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved April 28, 1993

Time: 3:30 P.M.

Act No. 93-263

H.J.R. 402 – Reps. Zoghby, Gullatt, Rockhold,
Kennedy, McDowell

HOUSE JOINT RESOLUTION

ESTABLISHING A CHILD CARE COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING, That there is

established a Child Care Commission composed of members who shall be culturally, economically, and geographically diverse and who shall be representative of the following: four persons appointed by the Governor shall be qualified electors of the state and representatives of the following statewide child day care advocacy associations, FOCAL, Alabama Association of Licensed Child Care, Alliance for Alabama Child Care, and Alabama Association for Young Children; nine persons shall be owners or operators, or both, of child day care facilities as follows: a representative of the Alabama Head Start Association, a representative of the Alabama Christian Education Association, two licensed family day care home providers, two licensed for-profit small business center based day care operators, and two licensed private nonprofit community based agencies, and one licensed multi-center operator, five of whom shall be appointed by the Speaker of the House of Representatives of Alabama and four of whom shall be appointed by the Lieutenant Governor of the State of Alabama; two persons, appointed by the Speaker Pro Tem of the House of Representatives, shall be parents of children who are enrolled in a religious exempt child day care program; two persons, appointed by the President Pro Tem of the Alabama Senate, shall be parents of children who are enrolled in a licensed child day care program; two representatives of child care management agencies selected by the directors of the agencies; one person appointed by the Commissioner of the Department of Human Resources; and one person selected by the Alabama Association of County Directors of Human Resources. Vacancies shall be filled by the appointing authority.

BE IT FURTHER RESOLVED, That members of the commission shall meet at least quarterly, and at other times the chair of the commission deems appropriate. Members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the course of their duties. The commission expenses shall not exceed the sum of ten thousand dollars (\$10,000) annually. The expenses, including all expenses for publishing the annual report, shall be paid from the quality enhancement federal funds allocated to the Department of Human Resources. A chair of the commission shall be elected by the membership at the first meeting of the commission. Members shall be appointed for two-year terms and may be eligible to succeed themselves for one additional term. Members shall be appointed to the commission within 30 days of the effective date of this act. Any member who fails to attend three consecutive meetings or at least one half of all commission meetings held during the calendar year shall be deemed to have resigned. Clerical and administrative assistance to the commission shall be provided by the Department of Human Resources.

RESOLVED FURTHER, That the commission shall have the following responsibilities:

(a) Develop a proposal for a statewide child day care plan for development and planning for the industry for professional growth and to keep pace with the growing need for affordable and available child care for working families in the state.

(b) Develop a proposal to identify projected needs of the subsidized child care program and to identify all federal and state revenue sources available for child day care in the State of Alabama.

(c) Review and recommend improvements and strengthening of the Child Care Act of 1971 and Alabama's Minimum Standards for Child Care as prescribed by the Department of Human Resources, and be represented on any committee assigned the responsibility of revising the act or minimum standards.

(d) Develop and assimilate information on employer, company, and corporate support for child day care which includes options, costs, and benefits of that support.

(e) Review and recommend financial incentives to encourage employer, company, and corporate support of child day care.

(f) Review the availability of public or private no or low interest loans for capital investment in child day care.

(g) Review the feasibility and affordability of liability insurance for child day care providers.

(h) Recommend to the Department of Human Resources the procedures to be used in notifying licensees, approved operators, and registrants regarding regulatory changes.

(i) Appoint a resource person as liaison with the Department of Public Health, the Department of Education, the State Fire Marshal's Office, and other departments and agencies of government to receive suggestions and information, recommend solutions to avoid duplicate or conflicting requirements, or both, upon operators subject to regulations by the State of Alabama, achieve collaboration among these agencies, and help ensure that Federal and State funds are being used in the most efficient manner to help protect the health and safety of children being cared for in child day care programs.

(j) Recommend methods for improving the quality of nonresidential child care and increasing the safety of children in child day care programs.

RESOLVED FURTHER, That the commission may publicize and hold public hearings and review suggestions from parents of children utilizing child care services, providers of the services, and other interested parties, including representatives of nongovernmental entities,

child development specialists, and professionals in child care related fields. The commission shall make an annual written report to the Legislative Council, the Governor, and the Department of Human Resources of its findings and recommendations in regard to issues affecting licensed child day care. The report shall be made available to the public upon the payment of reasonable costs for providing a copy thereof.

Approved May 3, 1993

Time: 3:30 P.M.

Act No. 93-264

S. 255 – Senators Smith (J), Bedsole, Dial,
Hale, and Mitchem

AN ACT

To appropriate from the General Fund of the State Treasury the sum of \$1,750,000 for the fiscal year ending September 30, 1993, for the Department of Agriculture and Industries, Agricultural Development Services Program, which sum shall be allocated to the Boll Weevil Eradication Foundation for use in boll weevil eradication and to the Pine Beetle Inspection Program; to provide that the appropriation shall be supplemental.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) There is hereby appropriated from the General Fund of the State Treasury for the fiscal year ending September 30, 1993, the supplemental sum of \$1,750,000 to the Department of Agriculture and Industries, Agricultural Development Services Program.

(b) Of the above supplemental appropriation in Section 1 (a), \$1,600,000 shall be allocated to the Boll Weevil Eradication Foundation for purposes of boll weevil eradication.

(c) Of the above supplemental appropriation remaining in Section 1 (a), \$150,000 shall be allocated to the Pine Beetle Inspection Program.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 3, 1993

Time: 3:31 P.M.

Act No. 93-265

S. 501 – Senator Barron

AN ACT

Providing that the DeKalb County Commission shall appropriate a certain sum of money each fiscal year to the DeKalb County Rural Water Authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the 1993-94 fiscal year, the DeKalb County Commission shall appropriate annually to the DeKalb County Rural Water Authority the balance remaining when the total funds accruing from the filing and recording fees levied by Resolution No. 92-1013-05, adopted by the county commission on October 13, 1992, and the additional delinquent payment penalties on ad valorem taxes imposed by Act No. 91-329, S. 61, approved July 24, 1991, are subtracted from two hundred and fifty thousand dollars (\$250,000). The total revenues raised each month by the resolution and the act during the 1991-92 fiscal year shall be used as base amounts for determining the monthly appropriations to the water authority. Necessary adjustments for the entire fiscal year shall be made in the appropriation made each September to the authority.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 3, 1993

Time: 3:32 P.M.

Act No. 93-266

H. 87 – Reps. Butler, McMillan

AN ACT

To make a supplemental conditional appropriation from the State General Fund to the State Department of Veterans' Affairs for the fiscal year ending September 30, 1993, and to specify the purposes for which the funds may be used.

Be It Enacted by the Legislature of Alabama:

Section 1. There is appropriated from the State General Fund to the State Department of Veterans' Affairs the sum of \$5,681,818 for the fiscal year ending September 30, 1993. This appropriation shall be used to match federal funds for the construction of a veterans' nursing home in Bay Minette, Alabama, and for the construction of a veterans' nursing home in Huntsville, Alabama; or to repay the City of Huntsville, Alabama, or to repay

the City of Bay Minette, Alabama, or both, for funds advanced for this purpose. The appropriation herein shall be in addition to any and all other funds heretofore or hereinafter appropriated to the State Department of Veterans' Affairs.

Section 2. The supplemental appropriation provided by this act or any portion thereof shall be released only in the event funds are estimated to be available in the State General Fund in an amount sufficient to cover such appropriation or any portion thereof without causing proration in the State General Fund to be increased beyond 3.2%. This determination shall be made by the Finance Director and shall be approved by the Governor.

Section 3. The Governor shall have the discretion, upon recommendation from the Finance Director, to release a portion of the appropriation provided by this act and/or any available residue from the 1 mill ad valorem tax appropriated to the State Department of Veterans Affairs as provided by the act introduced in the 1993 Regular Session as House Bill 301 in the amount necessary to provide a total net amount of \$5,500,000 to the State Department of Veterans' Affairs for the fiscal year ending September 30, 1993 for the purpose as provided by this act. At such time as a net total of \$5,500,000 has been released to the Department of Veterans' Affairs from this appropriation and/or the ad valorem tax residue the remainder of this appropriation shall be null and void.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 3, 1993

Time: 3:33 P.M.

Act No. 93-267

H.J.R. 373 -- Rep. Rogers (F)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF JACK CAPPS.

WHEREAS, the residents of Bayview Lake in Jefferson County are saddened by the death of their friend, Jack Capps; and

WHEREAS, in 1988, Jack Capps and others formed the Bayview Lake Cleanup Association to rehabilitate a lake dubbed by the Environmental Protection Agency as "the dirtiest lake in Alabama"; and

WHEREAS, Mr. Leigh Pegues, Director of the Alabama Department of Environmental Management, credits the efforts of Capps and the association for saving Bayview Lake; and

WHEREAS, Jack Capps was a member and served as the treasurer of Bayview United Methodist Church for more than 25 years; and

WHEREAS, Capps is survived by his wife of more than 40 years, Dormie Capps, a daughter, Frankie Brasseale, a son, Ted Capps, and a brother, William David Capps; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we mourn the death of Jack Capps.

RESOLVED FURTHER, That his widow, Dormie Capps, be sent a copy of this resolution.

Approved May 3, 1993

Time: 3:34 P.M.

Act No. 93-268

H.J.R. 374 – Reps. Crow, Willis, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel,

McDowell, McKee, McMillan,
 Melton, Mikell, Millican,
 Morrow, Morton, Newton (C),
 Newton (D), Parker (P),
 Parker (T), Payne, Penry,
 Perdue, Petelos, Poole,
 Powell, Rich, Richardson,
 Rockhold, Rogers (F),
 Rogers (J), Sanderford,
 Sanderson, Smith (C),
 Smith (R), Spratt, Starkey,
 Thomas, Turner, Turnham,
 Venable, Walker, Warren,
 White, Williams, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING THE ALABAMA POWER COMPANY AND ITS EMPLOYEES FOR THEIR EFFORT DURING THE BLIZZARD OF 1993.

WHEREAS, the recent massive snowfall on Alabama placed extraordinary demands on the people and the public and private services of this state; and

WHEREAS, the force of this great snowstorm caused hardship and the loss of electric power for over 400,000 Alabamians; and

WHEREAS, Alabama Power Company employees worked tirelessly and diligently for extended periods of time and under the most severe weather conditions to restore power to the thousands of homes and businesses without service, and to reach customers who were stranded and unable to seek emergency shelter due to downed trees and power; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we express our deep gratitude and offer our highest commendation to all the men and women of the Alabama Power Company who made such tremendous efforts during and after the "Blizzard of 1993."

BE IT FURTHER RESOLVED, That we express our thanks to the International Brotherhood of Electrical Workers Local Union Nos. 391, 345, 796, 801, 841, 904, 1053, and 2077, and direct that a copy of this resolution be forwarded to Alabama Power Company officials and the officials of the Local Unions for appropriate display.

Approved May 3, 1993

Time: 3:35 P.M.

Act No. 93-269

H.J.R. 375 – Rep. Payne

HOUSE JOINT RESOLUTION

COMMENDING HEWITT-TRUSSVILLE JUNIOR HIGH SCHOOL FOR BEING NAMED AN ALABAMA BLUE RIBBON SCHOOL.

WHEREAS, in consensus of great pride, the Legislature of Alabama congratulates Hewitt-Trussville Junior High School, Trussville, Alabama, for being named an Alabama Blue Ribbon School; and

WHEREAS, Hewitt-Trussville Junior High School under the leadership of Dr. H. Bruce Wright, Superintendent of the Jefferson County Board of Education, and Principal Mr. Lawrence C. Carter, and a dedicated faculty, staff, and students adopted the acronym "CHOICE" in which excellence results from a Caring faculty, Home involvement, Optimum environment and opportunities, Individualized education, Curriculum options, and Extracurricular involvement; and

WHEREAS, through a commitment to quality on the part of the staff, students, parents, and community, Hewitt-Trussville Junior High School has won numerous awards ranging from Outstanding Principal of the Year 1992 to First Place in the Merlin's Pen Competition (1992) which reflects the success of the school in fulfilling its mission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby express highest commendation of Hewitt-Trussville Junior High School for being an Alabama Blue Ribbon School and direct that a copy of this resolution be prepared for presentation to Mr. Lawrence C. Carter, Principal of Hewitt-Trussville Junior High School, Trussville, Alabama.

Approved May 3, 1993

Time: 3:36 P.M.

Act No. 93-270

H.J.R. 376 – Rep. Payne

HOUSE JOINT RESOLUTION

COMMENDING THE E. B. ERWIN HIGH SCHOOL ON ITS DESIGNATION AS A 1993 ALABAMA BLUE RIBBON SCHOOL.

WHEREAS, it is with utmost pride that the Legislature of Alabama commends the E. B. Erwin High School, Birmingham,

Alabama, on its prestigious designation as a 1993 "Alabama Blue Ribbon School"; and

WHEREAS, the E. B. Erwin High School offers strong academics and innovative instruction with comprehensive technological tools and programs and a conscientious and dedicated faculty and staff which includes telephone service to parents twenty-four hours a day; and

WHEREAS, the highly educated and trained faculty teaches twelve advanced placement courses, four foreign languages, a complete fine arts curriculum, as well as comprehensive business and vocational courses and offers championship athletic and sports programs for girls and boys in an environment of cooperation, concern, and leadership among faculty, administrators, counselors, and staff, which engenders a strong commitment in providing a safe and secure environment in all school activities; and

WHEREAS, Dr. Bruce Wright as the superintendent and Dr. Michael E. Burkett as principal, and all of the faculty, staff, and students worked diligently to make E. B. Erwin High School a school of superior academics and athletics; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend the superintendent, Dr. Bruce Wright, the principal, Dr. Michael E. Burkett, the administrators, faculty, counselors, staff, and students, and we do further direct that copies of this resolution be forwarded to the principal, Michael E. Burkett, for appropriate presentation and school display.

Approved May 3, 1993

Time: 3:37 P.M.

Act No. 93-271

H.J.R. 377 – Reps. Drake, Bowling

HOUSE JOINT RESOLUTION

NAMING THE EXPERIMENTAL NURSERY AND BUILDING AT WALLACE STATE COMMUNITY COLLEGE AT HANCEVILLE IN HONOR OF MR. JACK HOPPER.

WHEREAS, Jack Hopper of Eva, Alabama, has made many significant contributions to forestry in Alabama; and

WHEREAS, Mr. Hopper, a Cullman County farmer, cattleman, forest landowner, and successful businessman, was named by Governor George C. Wallace to serve as a member of the Alabama Legislative Forestry Study Committee from 1983 to 1987; and

WHEREAS, because of Mr. Hopper's unselfish desire to perpetuate forestry as Alabama's leading manufacturing industry, he was appointed by Governor Wallace to the seven-member Alabama Forestry Commission, a position he held from 1985 to 1990, during which time he served one year as vice-chair, and another as chair of that body; and

WHEREAS, it was through Jack Hopper's untiring efforts, along with those of the Cullman County Legislative Delegation, that the Forestry Commission's newest experimental nursery was located on the property of Wallace State Community College at Hanceville; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in consensus of commendation and in recognition of outstanding contributions and services to forestry and to Alabama by Jack Hopper, and at the request of Representative Tom Drake, Representative Bill Bowling, and Senator Don Hale, we hereby name and designate the nursery facility at Wallace State Community College at Hanceville, the "Jack Hopper Building at the Jack Hopper Experimental Nursery."

BE IT FURTHER RESOLVED, That the proper officials are authorized to erect and maintain appropriate signs and markers designating the building and nursery, and that a copy of this honorary designation of the Legislature be forwarded to Mr. Jack Hopper.

Approved May 3, 1993

Time: 3:38 P.M.

Act No. 93-272

H.J.R. 378 – Rep. Cosby

HOUSE JOINT RESOLUTION

CONGRATULATING WILLIAM ELTON REECE FOR HIS INDUCTION INTO THE LIVINGSTON UNIVERSITY ATHLETIC HALL OF FAME.

WHEREAS, William Elton Reece had a distinguished athletic career while an undergraduate at Livingston University where he was a three-year letterman in basketball, a two-year letterman in baseball, team MVP, co-captain of the baseball team, listed in Who's Who in American Colleges and Universities, made the Dean's List, and earned a B.S. degree in 1972 and an M.A. degree in 1973; and

WHEREAS, he continued his illustrious career in athletics as a highly successful high school coach in basketball and baseball at Selma High School; and

WHEREAS, in 1986, the Livingston University Athletic Hall of Fame Committee, in recognition of his personal and professional commitment to athletics, honored Coach Reece by inducting him into the Livingston University Athletic Hall of Fame; and

WHEREAS, in 1991 after 19 years of coaching, Coach Reece left Selma High School and became Athletic Director of the Selma Parks and Recreation Department; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Coach Reece on his induction into the Livingston University Athletic Hall of Fame and commend him on his commitment to public service in the field of athletics, and direct that a copy of this resolution be presented to him.

Approved May 3, 1993

Time: 3:39 P.M.

Act No. 93-273

H.J.R. 379 – Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING THE EMPLOYEES OF THE DALLAS COUNTY DEPARTMENT OF HUMAN RESOURCES FOOD STAMP PROGRAM FOR SUCCESSFULLY LOWERING THE PAYMENT ERROR RATE DURING THE 1991 FISCAL YEAR.

WHEREAS, this Legislature takes note with pride the achievement resulting from the skill and dedication of the employees of the Dallas County Department of Human Resources Food Stamp Program for successfully lowering the payment error rate from 6.05 percent to 4.73 percent during the 1991 fiscal year; and

WHEREAS, the Dallas County Food Stamp Program was recognized for such an extraordinary accomplishment during a meeting of the Alabama Association of Food Stamp Supervisors and Administrators; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend the employees of the Dallas County Department of Human Resources Food Stamp Program for extraordinary achievement and the honor and recognition they have brought to their county and state.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to the Director of the Dallas County Department of Human

Resources and Food Stamp Program, James E. Ware; Dallas County Food Stamp Program Supervisor, Joyce P. O'Neal; Certification Supervisors, Beverly Nix and Eddie Ward; Social Workers, Melvin Arnold, Johnnie Melton, Lisa Nelson, Maelean Norwood, Eugenea Raine, Debbie Turner, Cheryl Washington, and Essie Woodson; SR EAS, Willie Mae Manuel, Elizabeth Robitaille, and Debra Travis; Clerk Typists, Dorothy Allison, Willa Johnson, Kathleen Jones, Bettie Manzie, and Georgia Montgomery; and Account Clerk, Minnie Vinson; so that each may know of our deep pride and appreciation.

Approved May 3, 1993

Time: 3:40 P.M.

Act No. 93-274

H.J.R. 380 – Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING THE MEADOWVIEW CHRISTIAN TROJANS FOR BEING THE 1992 ALABAMA INDEPENDENT SCHOOL ASSOCIATION 3A RUNNER-UP IN FOOTBALL.

WHEREAS, it is with great pleasure that the Alabama Legislature extends heartiest congratulations to the Meadowview Christian Trojans for being the 1992 Alabama Independent School Association 3A State Runner-Up in football; and

WHEREAS, under the talented leadership of Head Coach Tommy Wasden, the Trojans advanced to the finals of the 1992 3A football championship, with a record of 9 wins, 4 losses, and scoring 283 points while allowing opponents 141 points; and

WHEREAS, contributing to the outstanding accomplishment of the 1992 football season were Jason Nickles, Jeffrey Nickles, Bubba Ford, Wayne Hart, Brian Piper, Chris Palmer, Randy Bruner, Josh McDanal, Nelson Bullard, Brian Hammond, Sam Brown, J. D. Shumate, Larry Ingram, Jason King, Jay Wood, Tony Egbert, James Oyler, Jason Brady, Boyd Fuller, Burton Fisher, Shane Mott, Lee Robertson, Brandon Jones, Hue Perry, Jimmy Raynowska, Jeff Seymore, Clay James, Lee Bender, Chad Vickery, Burt Osborn, Eddie Cooper, Randy Bennett, and Micah Pauley; and

WHEREAS, commendations are also in order for Coaches Rick Seymore, Glynn Lott, and Ricky Harris; team managers Mickey Young, David "Flash" Hagood, Scott King, and Marty Robertson; water girls Kelli Britt and Andrea Szot; cheerleader sponsor, Gina Hopkins; and cheerleaders Cammie Barnes, Jill Smith, Dawn Bennett, Shannon

Brumley, Stacy Bush, Heather Ford, Lara Huey, Joyce Kynard, Carol Middleton, Elizabeth Molett, and Jaimie Peal; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate the 1992 Meadowview Christian Trojans and direct that copies of this resolution be presented to Headmaster William Housley and each person listed herein.

Approved May 3, 1993

Time: 3:41 P.M.

Act No. 93-275

H.J.R. 382 – Reps. Black (M), Goodwin

HOUSE JOINT RESOLUTION

COMMENDING CARA CROSSLIN OF MUSCLE SHOALS HIGH SCHOOL UPON BEING SELECTED BY THE TIMESDAILY AS 4A-6A PLAYER OF THE YEAR IN GIRLS' BASKETBALL FOR AREA 15.

WHEREAS, the Muscle Shoals High School Trojans girls' basketball team compiled a school record of 28 victories during the 1992-93 season; and

WHEREAS, the dominant playing of senior center Cara Crosslin in the middle was very instrumental in establishing this team record; and

WHEREAS, Cara Crosslin was in the line-up every game and averaged 24 points and 10 rebounds per game while shooting 54 percent from the floor and also averaging three assists per game; and

WHEREAS, she scored in double figures in 32 of the 34 games in which she started during the 1992-93 season and was a unanimous repeat selection to the all-area squad; and

WHEREAS, having been a four-year starter, her leadership and experience played a very large part in the success of the team and the establishment of winning tradition for the Muscle Shoals girls' basketball team; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby most highly commend Cara Crosslin of Muscle Shoals High School upon being selected by the TimesDaily as the 4A-6A Player of the Year in girls' basketball for Area 15.

RESOLVED FURTHER, That a copy of this resolution shall be sent to Muscle Shoals High School and to Cara Crosslin.

Approved May 3, 1993

Time: 3:42 P.M.

Act No. 93-276

H.J.R. 390 – Reps. Black (L), Turner

HOUSE JOINT RESOLUTION

COMMENDING THE REVEREND CHARLES BURNETTE CRADDOCK.

WHEREAS, this legislative body proudly notes the enduring contributions of the Reverend Charles Burnette Craddock to the religious community of our state; and

WHEREAS, Reverend Craddock has dedicated almost 50 years to the ministry, having been ordained a Free Will Baptist Minister in July of 1944, and during this half a century, his devotion to God and his fellowman has enriched his church, community, state, and nation; and

WHEREAS, Reverend Craddock, after graduating from Free Will Baptist Bible College in Nashville, Tennessee, served as a Free Will Baptist pastor in Dothan, Wicksburg, and several wire-grass area churches; and

WHEREAS, Mr. Craddock, prior to his retirement in 1990, served as minister of United Methodist churches in Columbia, York, and Eutaw, and since his retirement, he has served as interim pastor of the York Presbyterian Church and presently serves as retired Supply Pastor on the Gainesville Charge, serving churches in Gainesville, Sardis, and Epes; and

WHEREAS, Reverend Craddock and his wife Myrtle Aileen, and their five sons are sincerely thanked for their contribution to the people of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That with earnest esteem and respect, we highly commend the Reverend Charles Burnette Craddock for his service and dedication to the spiritual needs of the citizens of our state.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Reverend Craddock, so that he may know of our sincere appreciation.

Approved May 3, 1993

Time: 3:43 P.M.

Act No. 93-277 H.J.R. 392 – Reps. Hooper, Clark (J), Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt, Starkey, Thomas, Turner, Turnham, Venable, Walker, Warren, White, Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

EXTENDING CONGRATULATIONS TO THE HONORABLE STEVE FLOWERS OF TROY, ALABAMA, AND MISS BARBARA BEAR OF MONTGOMERY, ALABAMA, ON THEIR ENGAGEMENT AND UPCOMING MARRIAGE IN JUNE 1993.

WHEREAS, the Legislature of Alabama notes with pleasure the engagement of the Honorable Steve Flowers of Troy, Alabama, and Miss Barbara Bear of Montgomery, Alabama; and

WHEREAS, in the sight of God, the couple will be joined in wedlock in June 1993, in Montgomery, Alabama, in a ceremony to forsake all others and pledge themselves to one another until parted by death; and

WHEREAS, our esteemed colleague, Representative Steve Flowers, has distinguished himself in service to the Legislature and the state as a member of the Alabama House of Representatives; and

WHEREAS, Miss Barbara Bear, a renowned beauty, has exhibited outstanding leadership, marked with distinguished accomplishments that have benefitted many citizens in the Montgomery community; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we enthusiastically congratulate the Honorable Steve Flowers and Miss Barbara Bear on their engagement and upcoming marriage in June 1993, and direct that copies of this resolution be provided for them as evidence of our high esteem and warmest personal regard.

Approved May 3, 1993.

Time: 3:44 P.M.

Act No. 93-278

H.J.R. 396 - Rep. Clay

HOUSE JOINT RESOLUTION

COMMENDING JARRED L. BUCHANAN OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

WHEREAS, the Legislature of Alabama notes with highest commendation the attainment of Eagle Scout rank, Boy Scouts of America, by Jarred L. Buchanan of Tuskegee, Alabama; and

WHEREAS, this coveted rank was earned through countless hours of hard work, diligence, and great perseverance to complete the required community service projects and to fulfill the other stringent criteria for Eagle Scout status; and

WHEREAS, this fine young man has indeed exemplified, through his years of participation in scouting, those admirable attributes of self-discipline and self-reliance, good citizenship, devotion to duty, and concern for his fellowman; and

WHEREAS, Jarred L. Buchanan, the 15-year-old son of Mr. and Mrs. Reginald Buchanan and a student at Booker T. Washington High School in Tuskegee, is a member of Troop 170, Boy Scouts of America, and was recognized and received his Eagle Scout Badge during ceremonies on April 29, 1993, at Greenwood Missionary Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Eagle Scout Jarred L. Buchanan of Tuskegee, Alabama, for whom copies of this resolution shall be provided that he may know of our sincere praise and warm best wishes for every future success in life.

Approved May 3, 1993

Time: 3:45 P.M.

Act No. 93-279

H.J.R. 397 – Rep. Clay

HOUSE JOINT RESOLUTION

COMMENDING HORATIO FRANK LEFTWICH, IV, OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

WHEREAS, the Legislature of Alabama notes with highest commendation the attainment of Eagle Scout rank, Boy Scouts of America, by Horatio Frank Leftwich, IV of Tuskegee, Alabama; and

WHEREAS, this coveted rank was earned through countless hours of hard work, diligence, and great perseverance to complete the required community service projects and to fulfill the other stringent criteria for Eagle Scout status; and

WHEREAS, this fine young man has indeed exemplified, through his years of participation in scouting, those admirable attributes of self-discipline and self-reliance, good citizenship, devotion to duty, and concern for his fellowman; and

WHEREAS, Horatio Frank Leftwich, IV, the 16-year-old son of Dr. and Mrs. H. Frank Leftwich, III, and a student at St. Jude High School in Montgomery, is a member of Troop 170, Boy Scouts of America, and was recognized and received his Eagle Scout Badge during ceremonies on April 29, 1993, at Greenwood Missionary Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Eagle Scout Horatio Frank Leftwich, IV, of Tuskegee, Alabama, for whom copies of this resolution shall be provided that he may know of our sincere praise and warm best wishes for every future success in life.

Approved May 3, 1993

Time: 3:46 P.M.

Act No. 93-280

H.J.R. 398 – Reps. Payne, Biddle

HOUSE JOINT RESOLUTION

COMMENDING THE HEWITT-TRUSSVILLE HIGH SCHOOL ON ITS DESIGNATION AS A 1993 ALABAMA BLUE RIBBON SCHOOL.

WHEREAS, it is with utmost pride that the Legislature of Alabama commends the Hewitt-Trussville High School, Trussville, Alabama, on its prestigious designation as a 1993 "Alabama Blue

Ribbon School," and is one of only two high schools in the State of Alabama in contention for national recognition; and

WHEREAS, the Hewitt-Trussville High School has a conscientious and dedicated faculty and staff, over seventy-seven percent of the teachers hold advanced degrees, and the students consistently place above the national, state, and county averages in academic testing results; and

WHEREAS, Hewitt-Trussville High School has earned many distinctive awards for its superior ratings in band and choir competitions, outstanding theater arts and visual arts department, State 6A football championship competition, and an all-athletic program which successfully competes; and

WHEREAS, Hewitt-Trussville High School offers a comprehensive, innovative, and challenging curriculum and in the last several years the seniors have earned from one and one-half million dollars (\$1,500,000) to over two million dollars (\$2,000,000) in scholarships; and

WHEREAS, Dr. Bruce Wright, as superintendent, Mrs. Connie Williams, as principal, and all of the faculty, staff, and students worked diligently to make Hewitt-Trussville High School a school of superior academics and athletics; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most heartily commend the superintendent, Dr. Bruce Wright, the principal, Mrs. Connie Williams, the administrators, faculty, counselors, staff, and students, and we do further direct that copies of this resolution be forwarded to the principal, Mrs. Connie Williams, for appropriate presentation and school display.

Approved May 3, 1993

Time: 3:47 P.M.

Act No. 93-281

H.J.R. 399 – Rep. McKee

HOUSE JOINT RESOLUTION

COMMENDING REX A. AND OPAL SHIPP TURNER OF MONTGOMERY, ALABAMA, FOR OUTSTANDING CONTRIBUTIONS AND SERVICE.

WHEREAS, Dr. Rex A. Turner received his A.B. degree from Samford University, an M.S. degree and a Doctorate of Education from Auburn University, an L.L.B. from Jones Law School, and attended the Harding University Graduate School of Religion; and

WHEREAS, Dr. Turner was co-founder of Alabama Christian College, now Faulkner University, serving as president for some 31 years, and founder of Alabama Christian School of Religion, now Southern Christian University, which he served as president for some 15 years; and

WHEREAS, he also has authored numerous books and articles, including Milestones of the Restoration Movement, Syllabus on the Intertestament Period, and Daniel, a Prophet of God, to name but a few, and has served as editor of the Gospel Advocate's Annual Lesson Commentary; and

WHEREAS, Opal Shipp Turner, a devoted wife and mother, and a committed educator and teacher of home economics for some 31 years, has been an active and loyal partner during his long and distinguished career; and

WHEREAS, over the years, Rex and Opal Turner have encouraged over 1,000 men to become ministers of the Gospel, and have been instrumental in establishing over twenty congregations of the Lord's church during a service of over 61 years; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily commend Dr. Rex A. Turner and his wife, Opal Shipp Turner, for their many years of outstanding contributions and service, and direct that a copy of this resolution be presented to the Turners as a token of our sincere tribute and esteem.

Approved May 3, 1993

Time: 3:48 P.M.

Act No. 93-282

H.J.R. 400 – Rep. Hooper

HOUSE JOINT RESOLUTION

COMMENDING MISS KATIE STRONG OF MONTGOMERY, ALABAMA, AS SPEAKER OF THE HOUSE IN THE 1993 YMCA YOUTH LEGISLATURE.

WHEREAS, the Alabama House of Representatives notes with highest commendation, the outstanding service of Miss Katie Strong as Speaker of the House in the 1993 YMCA Youth Legislature; and

WHEREAS, the YMCA Youth Legislature, begun in 1949, and enthusiastically supported by the Alabama Legislature, affords future leaders from around the state the opportunity to participate in a model facsimile of the Alabama legislative process; and

WHEREAS, Miss Katie Strong, who is the daughter of Dr. Paul Strong and Ms. Susan Strong, and a Senior at Jefferson Davis High School in Montgomery, is a young lady who truly exemplifies those finest qualities to be hoped for in Alabama's future leaders; and

WHEREAS, during the 45th Annual YMCA Youth Legislature, Miss Strong, as Speaker of the House, presided with strength, fairness, and dignity, thereby uplifting the entire event and providing a positive example for the Youth Members of the House of Representatives; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service as presiding Speaker of the House in the 1993 YMCA Youth Legislature, we hereby most highly commend Miss Katie Strong, for whom a copy of this resolution shall be provided.

Approved May 3, 1993

Time: 3:49 P.M.

Act No. 93-283

H.J.R. 401 – Rep. Hooper

HOUSE JOINT RESOLUTION

COMMENDING MISS SARAH MARTIN, RECIPIENT OF YMCA YOUTH LEGISLATURE AWARDS.

WHEREAS, the Legislature of Alabama notes with pride the recent accomplishments of Miss Sarah Martin as a participant in the 45th Annual YMCA Youth Legislature; and

WHEREAS, the YMCA Youth Legislature began in 1949 and is strongly supported by the Legislature of the State of Alabama and the YMCA Youth Legislature endeavors to provide a model of the Alabama legislative process while providing a vehicle by which young people from around the state can develop leadership skills; and

WHEREAS, during the recent annual Session of the YMCA Youth Legislature, Miss Sarah Martin, as Floor Leader in the Senate, was awarded the "Jere Hardy Award for Outstanding Statesmanship" and also was presented with the "Outstanding Senate Bill Award" as sponsor of a bill which would require all physically and mentally able welfare recipients under the age of 65 to look for and accept work that is offered; and

WHEREAS, Miss Martin is the lovely daughter of Ed and Mary Ann Martin, and is a senior at Jefferson Davis High School in Montgomery; and

WHEREAS, Miss Sarah Martin, through her personal and public life is a shining example of the best qualities hoped for in Alabama's future leaders; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do highly commend Miss Sarah Martin on her outstanding awards during the YMCA Youth Legislature and wish her every success in the future.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for Miss Martin and members of her family, so that they may know of our high esteem.

Approved May 3, 1993

Time: 3:50 P.M.

Act No. 93-284

H.J.R. 357 – Rep. Rockhold

HOUSE JOINT RESOLUTION

COMMENDING LIEUTENANT CHARLES B. PAQUET FOR DISTINGUISHED SERVICE TO THE COUNTY OF MOBILE.

WHEREAS, the April 1, 1993, retirement of Lieutenant Charles B. Paquet brought to a close a meritorious career of more than 30 years with the Mobile County Sheriff's Department; and

WHEREAS, a native of Mobile County, Lieutenant Paquet attended Theodore High School; following graduation he enlisted in the United States Navy where he honorably served for nearly four years; and

WHEREAS, he joined the Mobile County Sheriff's Department on March 1, 1963, and steadily progressed through the ranks, attaining the position of communications supervisor; and

WHEREAS, in further commitment to service, Lieutenant Paquet, is currently president of the Deep South Region Antique Car Club, a group often involved in raising money for various charities; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most

highly commend Charles B. Paquet for meritorious service to the county of Mobile, and further direct that he receive a copy of this resolution of sincere admiration and best wishes for every future success in retirement.

Approved May 3, 1993

Time: 3:51 P.M.

Act No. 93-285

H.J.R. 358 – Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, April 15, 1993, they adjourn to meet again on Tuesday, April 20, 1993.

Approved May 3, 1993

Time: 3:52 P.M.

Act No. 93-286

H.J.R. 360 – Rep. Hill

HOUSE JOINT RESOLUTION

COMMENDING RADIO STATION WDJC ON THE OCCASION OF ITS 25TH ANNIVERSARY OF SERVICE TO THE CITIZENS OF NORTH CENTRAL ALABAMA.

WHEREAS, WDJC-FM signed on the air April 22, 1968, at the frequency 93.7 and in the 25 years since, under the continual ownership of Crawford Broadcasting and an unchanging format, has reached out to the citizens of North Central Alabama with 100,000 watts of nothing but the good news of Jesus Christ; and

WHEREAS, very few radio stations have continued for twenty-five years under the same ownership and with the same format; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of this milestone in its history of broadcasting, April 22, 1993, we hereby most highly commend and congratulate radio station WDJC of North Central Alabama, and direct that a copy of this

resolution be provided with sincere regard and best wishes for many more years of continued success.

Approved May 3, 1993

Time: 3:53 P.M.

Act No. 93-287

H.J.R. 393 – Rep. Clay

HOUSE JOINT RESOLUTION

COMMENDING MICHA CORY CALDWELL OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

WHEREAS, the Legislature of Alabama notes with highest commendation the attainment of Eagle Scout rank, Boy Scouts of America, by Micha Cory Caldwell of Tuskegee, Alabama; and

WHEREAS, this coveted rank was earned through countless hours of hard work, diligence, and great perseverance to complete the required community service projects and to fulfill the other stringent criteria for Eagle Scout status; and

WHEREAS, this fine young man has indeed exemplified, through his years of participation in scouting, those admirable attributes of self-discipline and self-reliance, good citizenship, devotion to duty, and concern for his fellowman; and

WHEREAS, Micha Cory Caldwell, the 15-year-old son of Mr. and Mrs. Jesse Caldwell and a student at Booker T. Washington High School in Tuskegee, is a member of Troop 170, Boy Scouts of America, and was recognized and received his Eagle Scout Badge during ceremonies on April 29, 1993, at Greenwood Missionary Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Eagle Scout Micha Cory Caldwell of Tuskegee, Alabama, for whom copies of this resolution shall be provided that he may know of our sincere praise and warm best wishes for every future success in life.

Approved May 3, 1993

Time: 3:54 P.M.

Act No. 93-288

H.J.R. 394 – Rep. Clay

HOUSE JOINT RESOLUTION

COMMENDING MANUEL JOSEPH OLIVEIRA OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

WHEREAS, the Legislature of Alabama notes with highest commendation the attainment of Eagle Scout rank, Boy Scouts of America, by Manuel Joseph Oliveira of Tuskegee, Alabama; and

WHEREAS, this coveted rank was earned through countless hours of hard work, diligence, and great perseverance to complete the required community service projects and to fulfill the other stringent criteria for Eagle Scout status; and

WHEREAS, this fine young man has indeed exemplified, through his years of participation in scouting, those admirable attributes of self-discipline and self-reliance, good citizenship, devotion to duty, and concern for his fellowman; and

WHEREAS, Manuel Joseph Oliveira, the 18-year-old son of Dr. Doris Oliveira and a student at the University of Alabama, is a member of Troop 170, Boy Scouts of America, and was recognized and received his Eagle Scout Badge during ceremonies on April 29, 1993, at Greenwood Missionary Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Eagle Scout Manuel Joseph Oliveira of Tuskegee, Alabama, for whom copies of this resolution shall be provided that he may know of our sincere praise and warm best wishes for every future success in life.

Approved May 3, 1993

Time: 3:55 P.M.

Act No. 93-289

H.J.R. 395 – Rep. Clay

HOUSE JOINT RESOLUTION

COMMENDING DARRYL KEITH ANTOINE OF TUSKEGEE, ALABAMA, FOR OUTSTANDING ACHIEVEMENT IN SCOUTING.

WHEREAS, the Legislature of Alabama notes with highest commendation the attainment of Eagle Scout rank, Boy Scouts of America, by Darryl Keith Antoine of Tuskegee, Alabama; and

WHEREAS, this coveted rank was earned through countless hours of hard work, diligence, and great perseverance to complete the required community service projects and to fulfill the other stringent criteria for Eagle Scout status; and

WHEREAS, this fine young man has indeed exemplified, through his years of participation in scouting, those admirable attributes of self-discipline and self-reliance, good citizenship, devotion to duty, and concern for his fellowman; and

WHEREAS, Darryl Keith Antoine, the 15-year-old son of Mrs. Margie Antoine and a student at St. Jude High School in Montgomery, is a member of Troop 170, Boy Scouts of America, and was recognized and received his Eagle Scout Badge during ceremonies on April 29, 1993, at Greenwood Missionary Baptist Church; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Eagle Scout Darryl Keith Antoine of Tuskegee, Alabama, for whom copies of this resolution shall be provided that he may know of our sincere praise and warm best wishes for every future success in life.

Approved May 3, 1993

Time: 3:56 P.M.

Act No. 93-290

H.J.R. 404 – Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, April 22, 1993, they adjourn to meet again on Tuesday, April 27, 1993.

Approved May 3, 1993

Time: 3:57 P.M.

Act No. 93-291 H.J.R. 351 – Reps. Holmes, Rogers (J), Perdue

HOUSE JOINT RESOLUTION

COMMENDING DR. ROY N. WOOD, SR., OF BIRMINGHAM, ALABAMA, ON HIS OUTSTANDING CAREER IN BROADCASTING AND JOURNALISM.

WHEREAS, Dr. Roy N. Wood, Sr., the Director of News and Public Affairs at WENN Radio and WAGG Radio in Birmingham, Alabama, has had forty-five years of a distinguished broadcasting and journalism career; and

WHEREAS, a native of Atlanta, Georgia, Dr. Wood attended public school in Chicago, Illinois, and received his undergraduate degree from Morehouse College, a Masters degree in Journalism from Columbia University in New York, and earned his doctoral degree in Journalism from Northwestern University in Evanston, Illinois; and he is a member of Alpha Phi Alpha Fraternity, Inc.; and

WHEREAS, Dr. Wood has distinguished himself in fields too numerous to list and has worked diligently in various civil rights movements, including the Southern Christian Leadership Conference, the National Association for the Advancement of Colored People, the Urban League, and other community, youth, and religious organizations; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we publicly commend and salute Dr. Roy N. Wood, Sr., for his outstanding career of leadership in broadcasting and journalism and his many distinctive professional honors.

BE IT FURTHER RESOLVED, That as a symbol of our high esteem and respect, a copy of this resolution be provided to Dr. Wood.

Approved May 3, 1993

Time: 3:58 P.M.

Act No. 93-292 H.J.R. 353 – Reps. McClain, Newton (D)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF LONNIE G. MURRAY OF FAIRFIELD, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Alabama Legislature records the death of Lonnie G. Murray on April 9, 1993; and

WHEREAS, a longtime resident of Fairfield, Mr. Murray was a United States Army Veteran, who served with honor and distinction in World War II; upon being honorably discharged, he began work at the Koppers Plant in Bessemer where he remained until retirement; and

WHEREAS, a prominent and beloved member of the community, Mr. Murray was active in numerous civic concerns; he was a past P.T.A. President, Little League Commissioner, Deacon of the First Baptist Church of Fairfield, and past President of the Usher Board; and

WHEREAS, the death of Lonnie Murray has left an unfathomable void in the life of the community, and in the hearts of beloved family, friends, and all whose life he so lovingly touched; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Lonnie G. Murray of Fairfield, Alabama, and extend our heartfelt sympathy to his devoted wife, Mrs. Josephine Murray; his daughters, Barbara Colbert and Margaret Newman; sons Lonnie, Jr., Willie, and Don Murray; and to other family members, whose sorrow we share and for whom copies of this resolution shall be provided.

Approved May 3, 1993

Time: 3:59 P.M.

Act No. 93-293

H.J.R. 355 – Rep. Rockhold

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. JOHN LAWRENCE ROCKHOLD, ON THE OCCASION OF THEIR 70TH WEDDING ANNIVERSARY.

WHEREAS, the Alabama Legislature notes with pleasure the Seventieth Wedding Anniversary, on August 19, 1993, of Mr. and Mrs. John Lawrence Rockhold, of Mobile, Alabama; and

WHEREAS, in the sight of God, John Lawrence Rockhold and Addie Adams were joined in Holy wedlock on August 19, 1923, in Brookhaven, Mississippi, and these two fine people, forsaking all others, have remained in said Holy state for the past 70 years; and

WHEREAS, adhering to Biblical admonition, they have lived their lives as one, devoted each to the other, and have been steadfastly faithful to their wedding vows, setting an example to be

emulated by all others who, in marriage, pledge themselves to one another until parted by death; and

WHEREAS, Mr. and Mrs. Rockhold are beloved members of their community and are the loving parents of two daughters, Shirley Stuart and Brenda Rockhold, and five sons, John, Jr., Chester, Paul, David, and Bobby; they have 17 grandchildren and 28 great-grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with their family and friends in congratulating this exemplary couple of Mobile, Alabama, John and Addie Rockhold, and wish for them many more happy years together in their union so richly blessed by God.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. and Mrs. Rockhold so that they may know of our congratulations, high esteem, and warm best wishes for the future.

Approved May 3, 1993

Time: 4:00 P.M.

Act No. 93-294

H.J.R. 356 – Rep. Rockhold

HOUSE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. CURTIS HASS OF MOBILE, ALABAMA, ON THE OCCASION OF THEIR 50TH WEDDING ANNIVERSARY.

WHEREAS, the Legislature of Alabama extends heartiest congratulations to Mr. and Mrs. Curtis Hass of Mobile, Alabama, on their Golden Wedding Anniversary, April 10, 1993; and

WHEREAS, Curtis Hass and Ruby White, who were married in Jacksonville, Alabama, on April 10, 1943, have resided in Mobile where they have distinguished themselves as highly regarded members of their community; and

WHEREAS, Mr. and Mrs. Hass, whose commitment to the ideals of marriage has enriched their lives and inspired those who have witnessed their devotion, are the parents of four children: Linda Pugh, Pam Hawkshead, Steve Hass, and Randall Hass, and the loving grandparents of four grandchildren and two great-grandchildren; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with family and friends in celebrating the 50th Wedding Anniversary of Mr. and Mrs. Curtis Hass of Mobile, Alabama, whom we wish many more years of good health and happiness together and for whom a copy of this resolution shall be provided.

Approved May 3, 1993

Time: 4:01 P.M.

Act No. 93-295

H.J.R. 367 – Reps. Willis, Crow

HOUSE JOINT RESOLUTION

COMMENDING HUGH R. SMITHERMAN, SR., FOR HIS LEADERSHIP AND SERVICE TO CIVIL DEFENSE IN CALHOUN COUNTY.

WHEREAS, Hugh R. Smitherman, Sr., has rendered invaluable service and exceptional leadership to the organization of civil defense in Calhoun County; and

WHEREAS, in 1962, Hugh R. Smitherman, Sr., was instrumental in the formation of the Civil Defense Radio Group in Calhoun County to assist in communications during emergencies in the county; and

WHEREAS, Hugh R. Smitherman retired from Alabama Pipe Company in 1970 to become the Civil Defense Coordinator for Calhoun County, a job which enabled him to continue to help people through civil defense in the county; and

WHEREAS, Hugh R. Smitherman, Sr., who retired as Civil Defense Coordinator of Calhoun County in 1983 after a distinguished career of service to the citizens of Calhoun County, has continued to provide guidance, wisdom, and leadership to the civil defense program in the county; and

WHEREAS, Hugh R. Smitherman, Sr., also served for eight years on the Calhoun County Board of Education, another example of his service to others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Legislature of the State of Alabama commends Mr. Hugh R. Smitherman, Sr., for his years of dedicated public service and leadership to civil defense in Calhoun County.

BE IT FURTHER RESOLVED, That a copy of the resolution be sent to Mr. Hugh R. Smitherman, Sr., executed in token of our highest esteem and warmest personal regard.

Approved May 3, 1993

Time: 4:02 P.M.

Act No. 93-296

H.J.R. 368 – Rep. Parker (T)

HOUSE JOINT RESOLUTION

COMMENDING CIRCUIT JUDGE JOHN M. KARRH ON HIS RETIREMENT.

WHEREAS, Circuit Judge John M. Karrh who will retire from the bench on May 1, 1993, has rendered distinguished service both to his profession and to his community as a whole; and

WHEREAS, Judge Karrh was originally appointed as district judge and elevated to a circuit judgeship, serving with distinction for 18 years; and

WHEREAS, Judge Karrh was recognized for his expertise as a judge and because of this expertise served as a teacher at the National Judicial College and the Alabama Judicial College and co-authored a book entitled, "Statement of Recommended Judicial Practices," which was adopted by the National Conference on the Judiciary; and

WHEREAS, Judge Karrh is a member of the First Baptist Church of Tuscaloosa and is currently a deacon of the church and president of his Sunday School Class, as well as being involved in other activities at his church; and

WHEREAS, Judge Karrh has been and continues to be active in numerous civic organizations, including the Boy Scouts, Alabama Sheriffs' Association Boys' Home, Modern Woodsmen of America, the Masons, and numerous groups related to coaching and officiating athletics; and

WHEREAS, Judge Karrh is known as a judge who is tough but fair, firm but compassionate, and his knowledge and experience as a judge will be greatly missed by the citizens of Tuscaloosa County and this state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That, on the occasion of his retirement as a circuit judge, this body commends Judge

John M. Karrh on his lifelong public service and extends sincere best wishes to Judge Karrh on his future endeavors.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to Judge Karrh as a token of our esteem and gratitude.

Approved May 3, 1993

Time: 4:03 P.M.

Act No. 93-297

H.J.R. 369 – Rep. Bryant

HOUSE JOINT RESOLUTION

CONGRATULATING FRANCIS MARION HIGH SCHOOL BOYS BASKETBALL TEAM ON THE 1993 STATE 3A CHAMPIONSHIP.

WHEREAS, in the highest commendation, the Legislature of Alabama congratulates the Francis Marion High School Rams on winning the State 3A Championship on March 14, 1993; and

WHEREAS, under the talented leadership and direction of Coach Danny Crenshaw, the Rams compiled a record of 30 wins and three losses during the 1992-1993 basketball season; and

WHEREAS, the Rams have won more basketball championships than any team in the 1980's, and in addition to only three other high schools in the history of Alabama have accomplished the feat of winning five state basketball championships; and

WHEREAS, the Rams stand alone in Alabama history with the most consecutive state championships in basketball with four which came in a row from 1988 to 1991; and

WHEREAS, the Francis Marion High School Boys Basketball Team has displayed a true championship spirit in competition and displayed the highest example of sportsmanship, preparation, dedication, and inspiration in winning the championship, and remaining a consistent winner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily congratulate and commend the Francis Marion High School Boys Basketball Team on their 1993 championship and their consistency in winning championships, and do further direct that a copy of this resolution be forwarded to Coach Danny Crenshaw for appropriate presentation and school display.

Approved May 3, 1993

Time: 4:04 P.M.

Act No. 93-298

H.J.R. 370 – Rep. Layson

HOUSE JOINT RESOLUTION

COMMENDING STATE FORESTER C. W. MOODY OF MONTGOMERY, ALABAMA.

WHEREAS, it is with a sense of great pride that the Legislature of Alabama notes the numerous contributions of State Forester C. W. Moody of Montgomery, Alabama; and

WHEREAS, in 1972, State Forester C. W. “Bill” Moody, as co-founder of the Alabama Forestry Planning Committee, was instrumental in establishing the Treasure Forest Program, which was the forerunner and model of the National Stewardship Program; and

WHEREAS, Mr. Moody served as the President of the National Association of State Foresters in 1976 and as Legislative Chairman for the association from 1977 to 1979; and

WHEREAS, in 1986, Bill Moody helped establish, and currently serves as the chairman of, the Board of Alabama PALS (People Against a Littered State), a non-profit corporation, which today has a new name “Keep America Beautiful Agency” and a full-time staff along with on-going activities in all 67 counties of the State; and

WHEREAS, as principal co-founder of the Alabama Rural Community Fire Protection Institute, he, along with the institute, has worked to optimize the partnership relationship between the Alabama Forestry Commission and the over 30,000 volunteer fire fighters in Alabama; and

WHEREAS, through Mr. Moody’s inspiration, the Christian Family Development Ministries, a non-profit corporation designed to promote the values of strong Christian families, was established; and

WHEREAS, it is because of the leadership of Bill Moody and his very capable staff that the State of Alabama has recently surged to the national forefront as a preferred location for all people to live due to his environmentally and economically sound forestry policies; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend and congratulate State Forester C. W. Moody for his devoted service to our state and direct that a copy of this resolution be provided to him as a mere token of our high esteem and warmest personal regard.

Approved May 3, 1993

Time: 4:05 P.M.

Act No. 93-299

H.J.R. 372 – Rep. Rogers (F)

HOUSE JOINT RESOLUTION

**MOURNING THE DEATH OF WILLIAM BRADFORD
“BRAD” LAVIES OF ADAMSVILLE, ALABAMA.**

WHEREAS, it is with profound sorrow and a deep sense of loss that the Legislature of Alabama records the tragic and untimely death of William Bradford “Brad” Lavies of Adamsville, Alabama, on March 28, 1993, at the young age of 13 years; and

WHEREAS, as a student and an athlete at Bottenfield Junior High School, “Brad” was consistent, polite, and always went out of his way to help someone else; and

WHEREAS, he was a member of the Midway United Methodist Church in Adamsville and was a fine young man whose future was bright with promise; he was dedicated in his commitment to impact favorably upon the lives of others, and he was seen as a beacon of light; and

WHEREAS, in addition to his parents, “Brad” is survived by his grandmother, Jo Lavies, other family members, two close friends and classmates Darryl Rogers and Jamie McCoy, and other countless friends, all of whom are sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn his death, we give thanks for the life of William Bradford “Brad” Lavies of Adamsville, Alabama, and extend our very deepest sympathy to his family, whose sorrow we share and for whom copies of this resolution shall be provided.

Approved May 3, 1993

Time: 4:06 P.M.

Act No. 93-300

H. 626 – Rep. Box

AN ACT

Relating to Mobile County; to amend Act No. 92-105, H. 74, 1992 Regular Session, which creates a County Racing Commission, to further define requirements for applicants for benefits under the Mobile County Law Enforcement and Firefighters’ Pension Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 18 of Act No. 92-105, H. 74, 1992 Regular Session, is hereby amended to read as follows:

"Section 18. (a) All fees, commissions, taxes, and other monies, including fines and forfeitures, received under this act shall be paid to the Racing Commission and shall be remitted by it to the County Treasurer for deposit in the County Treasury to the account of the Mobile County Racing Commission as directed by the Racing Commission. All monies remaining after payment of the expenses incurred in the administration of this act, including, but not limited to, the payment of the salaries and expenses of the members and employees of the Racing Commission, and subject to any reserves for contingencies as the Racing Commission shall direct, shall be distributed by the County Treasurer monthly as follows:

"Until the Capital Improvement Fund has accumulated \$4,200,000.00:

"Forty percent to the University of South Alabama for the use of the medical school; 10 percent to S. D. Bishop State Community College; 15 percent to the Board of School Commissioners of the largest school district in the county; 30 percent to be divided among the county and municipalities located therein on a proportionate basis according to the total populations of them, the population of the county being determined by counting only the number of residents of the county living outside the area of any incorporated municipality, all of the funds, so distributed to be used by the respective governing bodies of each entity for law enforcement purposes; and 5 percent to the County Law Enforcement and Firefighters Pension Fund which is established in subsection (b). All funds distributed pursuant to this paragraph to the University of South Alabama, the City of Mobile, and to the County of Mobile shall be deposited into the Capital Improvement Fund until \$4,200,000.00 has accumulated in the fund. At the time that the Capital Improvement Fund accumulates \$4,200,000.00, deposits to it shall cease and all future funds shall be distributed to the University of South Alabama, the City of Mobile, and the County of Mobile as otherwise prescribed in this paragraph.

"After the Capital Improvement Fund has accumulated \$4,200,000.00:

"Thirty-three percent to the University of South Alabama for the use of the medical school; 13.35 percent to S. D. Bishop State Community College; 18.35 percent to the Board of School Commissioners of the largest school district in the county; 12.25

percent to the City of Mobile; 5.85 percent to the County of Mobile; 1 percent to Mobile Community Action, Inc.; 1 percent to the Alabama School for Mathematics and Science; 7.95 percent to the County Law Enforcement and Firefighters Pension Fund established in subsection (b); and the remainder to be divided among the remaining municipalities located therein on a proportionate basis according to their populations, all of the funds so distributed to be used by the respective governing body of each entity for law enforcement purposes."

"(b) The Mobile County Law Enforcement and Firefighters' Pension Fund is hereby established. The Fund is created for the purpose of receiving, investing, and distributing the monies appropriated to it in subsection (a) to law enforcement officers and firefighters who are retired under any of the respective municipal or county retirement systems and receiving retirement benefits based on contributions and years of service. The monies of the Fund shall be paid to eligible retirees in an amount to be determined by the board of trustees of the fund in accordance with generally acceptable actuarial principles based on the age of the retiree and years of service at the time of the retirement.

"As used in this section, the term 'law enforcement officer' means a full-time law enforcement officer of a municipality or the county, who meets the minimum standard requirements for law enforcement officers, and who is authorized to preserve the peace, regulate traffic, investigate crimes, or apprehend criminals. It shall not include purely clerical, janitorial, or maintenance employees. The term 'firefighter' means a full-time employee of a municipality of the county, who meets the minimum standard requirements for firefighters, and whose primary responsibilities are to prevent, investigate, fight or suppress fires, perform emergency medical services, or train and supervise those who perform these tasks. It shall not include purely clerical, janitorial or maintenance employees. The Fund shall be administered by a seven-member Board of Trustees, each of whom shall be required to give bond in the amount of \$100,000.00, which shall be paid for by the Fund. One initial trustee, who shall serve a term of two years and shall be eligible to receive benefits under this act upon retirement, shall be elected by the police chiefs of the municipalities. One initial trustee, who shall serve a term of two years and shall be eligible to receive benefits under this act upon retirement, shall be elected by the fire chiefs of the municipalities. One initial trustee, who shall serve a term of two years and shall be eligible to receive benefits under this act upon retirement, shall be elected by the sheriff of the county. One initial trustee, who shall serve a term of two years and shall be eligible to receive benefits under this act upon retirement, shall be elected by the full-time paid professional

firefighters of the county. One initial trustee, who shall serve a term of two years and shall be eligible to receive benefits under this act upon retirement, shall be elected by the full-time paid law enforcement officers of the county. Two additional trustees, who shall serve a term of six years and may or may not be eligible for benefits under this act upon retirement, shall be elected by the previously elected five trustees. The election of the trustees from the firefighters and law enforcement officers of the county shall be conducted by the probate judge or his or her designee. After the election of the initial trustees, the term of all trustees shall be six years. Any vacancy shall be filled for the remaining period of the term in the same manner as the original position was filled. Nothing in this act shall be construed to keep an individual who serves as both police chief and fire chief from voting on both trustees to be elected by each respective officer. The Board of Trustees shall have the authority to enact such reasonable rules and regulations as necessary to effectuate this act. The Board of Trustees shall meet at least once each month and shall be compensated in an amount not to exceed \$150.00 per month to be paid out of the Fund. The salaries shall be paid out the Fund. The Board of Trustees may hire actuaries to determine the amount of money which may be paid to each individual entitled to receive benefits under this act, while retaining an actuarially sound base for future benefits. For the purpose of accumulating monies to facilitate the purpose of this subsection, there shall be no benefits paid from this Fund for the first five years of its existence. Persons who retired before the year 1973, shall not be eligible for any benefits provided by this act."

"(c) The County Treasurer shall furnish to the Racing Commission monthly a summary reflecting the source of all monies received by the County Treasurer to the account of the Racing Commission, including any interest earned, and the distribution of all funds, including expenses, distributions to each agency as set forth in this act, the balance remaining on hand, and such other information as the Racing Commission shall, from time to time, direct."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 3, 1993

Time: 4:07 P.M.

Act No. 93-301

H. 162 – Rep. Zoghby

AN ACT

Relating to the government of Class 2 municipalities; to provide further for certain administrative, fiscal, and accounting matters, by amending Sections 11-44C-31, 11-44C-55, 11-44C-56, 11-44C-59, 11-44C-62, and 11-44C-66.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 11-44C-31, 11-44C-55, 11-44C-56, 11-44C-59, 11-44C-62, and 11-44C-66 are amended to read as follows:

“§11-44C-31.

“The mayor shall each month print a detailed statement of all receipts and expenses of the city, and shall furnish printed copies thereof to the daily newspapers of the city, other members of the news media of the city, and to persons who apply therefor. At the end of each year, the mayor shall cause a full and complete examination of all the books and accounts of the city to be made by a certified public accountant, or by the state examiners, and shall cause the result of such examination to be published in the manner above provided for publication of statements of monthly expenditures. Such examination shall not be made more than three years in succession by the same accountant.

“§11-44C-55.

“After the current expense budgets have been adopted and before the beginning of the fiscal year, the head of each department, office, and agency, shall submit to the mayor in such form as the mayor shall prescribe a work program which shall show the requested appropriations for such department, office or agency for the entire fiscal year by monthly or quarterly periods as the mayor may direct. If at any time during the fiscal year the mayor shall ascertain that the revenue cash receipts of the general fund or any public utility for the year plus any cash surplus available from the preceding year, will be less than the total appropriations to be met from such receipts and the surplus, he or she shall reconsider appropriations of the departments, offices and agencies, and, subject to the laws of the state of Alabama and any municipal ordinances of the city relating to obligatory expenditures for any purpose, revise the appropriations so as to forestall the incurring of a deficit; provided, however, that there shall be no reduction in salaries except by order of the council, or as authorized by law.

“§11-44C-56.

“At the request of the mayor, the council may by resolution transfer any unencumbered balance or portion thereof in any

general fund appropriation from one department, office, or agency to another department, office, or agency.

“§11-44C-59.

“Any portion of an appropriation remaining unexpended and unencumbered in the general fund at the close of the fiscal year shall lapse.

“§11-44C-62.

“No payment shall be made and no obligation incurred by or on behalf of the city except in accordance with an appropriation duly made, and no payment shall be made from or obligation incurred against any appropriation unless the director of finance shall first certify that there is a sufficient unexpended and unencumbered balance in such appropriation to meet the same; provided that nothing herein shall be taken to prevent the advance authorization of expenditures for small purchases as provided for by this chapter. Every expenditure or obligation authorized or incurred in violation of the provisions of this chapter shall be void. Every payment made in violation of the provisions of this chapter shall be deemed illegal, and every official who shall knowingly authorize or make such payment or knowingly take part therein and every person who shall knowingly receive the payment or any part thereof shall be jointly and severally liable to the city for the full amount so paid or received. If any officer, member of any board, or employee of the city, shall knowingly incur any obligation or shall knowingly authorize or make any expenditure in violation of the provisions of this chapter or knowingly take part therein, such action shall be cause for his or her removal. Nothing in this section, however, shall prevent the making of contracts of lease or for services providing for the payment of funds at a time beyond the fiscal year in which such contracts are made, provided the nature of such transactions will reasonably require the making of such contracts.

“§11-44C-66.

“The director of finance shall have general management and control of the several divisions and units of the department of finance. He or she shall have charge, subject to the direction and control of the mayor, of the administration of the financial affairs of the city, and to that end shall have authority and be required to:

“(1) Cooperate with the mayor in compiling estimates for the general fund, public utility, and capital budgets;

“(2) Supervise and control all encumbrances, expenditures, and disbursements to insure that budget appropriations are not exceeded;

“(3) Prescribe and install systems of accounts for all departments, offices, and agencies of the city and provide instructions for

their use; and prescribe the form of receipts, vouchers, bills, or claims to be used and of accounts to be kept by all departments, offices, and agencies of the city;

“(4) Require daily, or at such other intervals, a report of receipts from each of such departments, offices, and agencies, and prescribe the time and the manner in which moneys received by them shall be paid to the office of the director of finance or deposited in a city bank account under his or her control;

“(5) Examine all contracts, purchase orders, and other documents, except bonds and notes which create financial obligations against the city, and approve the same only upon ascertaining that money has been appropriated therefor and that an unexpended and unencumbered balance is available in such appropriation to meet the same. Each such purchase order shall be charged against such authorization and no such purchase order, which together with all such purchase orders previously charged shall exceed the amount of such authorization;

“(6) Have custody of all funds under the control of the city, or any office, department, or agency and deposit all funds coming into his or her hands in such depositories as may be designated by resolution or ordinance of the council, or, if no such resolution or ordinance be adopted, by the mayor, subject to the requirements of law as to surety and the payment of interest on deposits. All such interest shall be the property of the city and shall be accounted for and credited to the proper account. The director of finance shall not be liable for any loss sustained as to funds of the city that are on deposit in such a designated bank or depository;

“(7) Audit and approve before payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the city government and with the advice of the department of law, determine the regularity, legality, and correctness of such claims, demands or charges;

“(8) Have custody of all invested funds of the city unless otherwise provided by this chapter, or by law, ordinance, or the terms of any trust, and be responsible for the safekeeping of all bonds and notes of the city and for the receipt and delivery of city bonds and notes for transfer, registration, and exchange;

“(9) Have supervision over the preparation of bonds, including advertisements for their sale, preparation of bond prospectuses, conduct of their sale, and their delivery subject to applicable provisions of law and municipal ordinances. Bonds shall be authenticated by the manual signature of the director of finance and shall bear the facsimile signature of the mayor and a facsimile of the seal of the city. Interest coupons transferable by delivery shall be

attached to the bond and shall be authenticated by the facsimile signature of the director of finance;

“(10) Supervise and direct the placing of all types of insurance carried by the city where the premiums in whole or in part are paid by the city, or the premiums in whole or in part are withheld through the payrolls; the amount of all types of insurance on which the city pays the premiums in whole or in part shall be determined by the council after a recommendation by the mayor;

“(11) Submit to the mayor for presentation to the council not later than the twelfth day of each month, a statement showing in reasonable detail the revenues received by the city during the preceding month, the revenues received during that fiscal year up to and through the end of the preceding month, the expenditures made during the preceding month, and the accumulated expenditures made during that fiscal year up to and through the end of the preceding month, together with a comparison of the items with the budget estimates;

“(12) Furnish to the head of each department, office, or agency of the city a copy of that portion of the statement herein provided, as it relates to the department, office, or agency;

“(13) Prepare and submit to the mayor at the end of each fiscal year, for the preceding year, a complete financial statement and report of the financial transactions of the city;

“(14) Designate, with the approval of the mayor, and subject to the provisions of the merit system, an employee of the department of finance who, during the temporary absence or incapacity of the director, shall have and perform all the powers and duties conferred or imposed upon the director;

“(15) Protect the interests of the city by withholding the payment of any claim or demand by any person, firm, or corporation against the city until any indebtedness or other liability due from such person, firm, or corporation shall first have been settled and adjusted;

“(16) Collect all special assessments, license fees, and other revenues of the city and collect all money receivable from the county, state, or federal government, or from any court, or from any office, department, or agency of the city;

“(17) Inspect and audit, with approval of the mayor, records of financial transactions which may be maintained in any office, department, or agency of the city government apart from, or subsidiary to, the accounts kept in the office of the director of finance;

“(18) Supervise, through the division of purchases, the purchase, storage, and distribution of all supplies, materials, equipment, and

other articles used by any office, department, or agency of the city government.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 3, 1993

Time: 4:08 P.M.

Act No. 93-302

H. 492 – Rep. Johnson

AN ACT

To amend Sections 9 and 11 of Act No. 85-546, Regular Session 1985, as amended by Act No. 87-348, Regular Session 1987, whereby an additional circuit judgeship position was created in the 29th Judicial Circuit, to provide that such position shall first be filled at the general election held in 2000; to provide that the circuit judge elected to this position shall serve a full term of office commencing in January 2001; and to further provide that sufficient funding shall be appropriated to the unified judicial system for fiscal year 2000-2001 for this additional judgeship position.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 85-546, Regular Session 1985, as amended by Act No. 87-348, Regular Session 1987, is amended to read as follows:

“Section 9. There is hereby created and shall be established the office of circuit judgeship No. 3 in the 29th Judicial Circuit, which shall be in addition to the two circuit judgeships now existing. Provided, the additional circuit judgeship hereby created shall first be filled at the general election to be held in 2000, and the first judge so elected shall serve a full term of office beginning on the first Monday following the second Tuesday in January, 2001.”

Section 2. Section 11 of Act No. 85-546, Regular Session 1985, as amended by Act No. 87-348, Regular Session 1987, is amended to read as follows:

“Section 11. There is hereby appropriated from the state general fund to the Unified Judicial System for the fiscal year 2000-2001 such additional funding as may be required to fully fund the additional circuit judgeship in the 29th Judicial Circuit.”

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 3, 1993

Time: 4:09 P.M.

Act No. 93-303

H. 737 – Rep. Buskey

AN ACT

Relating to Mobile County; to amend Section 15 of Act No. 86-545, S. 655 of the 1986 Regular Session (Acts 1986, p. 1082) as amended by Act No. 92-105, H. 74 of the 1992 Regular Session (Acts 1992, p. 169) which created a County Racing Commission; to provide that a licensee may withhold income taxes; to clarify that the licensee may be entitled to interest earned; and to increase the amount of advertising from \$300,000 to \$500,000 with regard to the Capital Improvement Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 15 of Act No. 86-545, S. 655 of the 1986 Regular Session (Acts 1986, p. 1082) as amended by Act No. 92-105, H. 74 of the 1992 Regular Session (Acts 1992, p. 169) is amended as follows:

“Section 15. (a) Every licensee conducting race meetings pursuant to this act shall pay to the racing commission for its use, a tax on the total contributions to all pari-mutuel pools conducted or made on a racetrack licensed under this act in an amount equal to eight percent until the first day of the first month following the enactment of this act and seven percent thereafter. Except as otherwise provided in this act, the commission of a licensee on a pari-mutuel pool shall not exceed 19 percent of the amount contributed to the pari-mutuel pool, including the tax provided in this section. In addition to the 19 percent commission authorized to be withheld from pari-mutuel pools, the licensee may deduct an additional two percent commission from all pari-mutuel betting pools in which the bettors are required to select three or more dogs. After the deduction of the tax percentages for the use of the racing commission, the percentage commissions of the licensee, and the state privilege tax, the remainder of the total contributions to each pool shall be divided among and redistributed to the contributors to the pools betting on the winning dog. The amount of each redistribution for each

winning bet placed shall be determined by dividing the total amount remaining in the pool after the deductions by the number of bets placed on the winning dog. Each redistribution shall be made in a sum equal to the next lowest multiple of ten. The licensee is entitled to retain one-half of the off cents on all redistributions to be known as the 'breaks to a dime.' The remaining one-half of the 'breaks' shall be paid to the racing commission for its use as a 'breaks tax.' Under the pari-mutuel system of wagering, the licensee shall be permitted to provide separate pools for betting for win, place, and show and also a daily double pool, a quiniela pool, a double quiniela pool, and any other type of pari-mutuel betting permitted by the racing commission. Each pool shall be redistributed separately as provided. If there be no ticket bet on the winning dog, the entire pool shall be divided among the holders of tickets on the dog running next in line until the pool has been redistributed to the contributors. The licensee shall use a totalizer machine to record the wagering and compute the odds. Rules and regulations governing the operation of each of the pools shall be set out in book form by the racing commission. Amounts due on outstanding unredeemed mutuel tickets, which represent the winning tickets not presented for payment within one year, shall be distributed 50 percent to the licensee and 50 percent to the racing commission. The licensee shall collect from each person who pays admission and attends the race meeting pursuant to this act, 15 percent of the established admission price or ten cents (\$.10), whichever sum is the greater, as an admission tax. Licensees shall make payment of the taxes to the racing commission every seventh calendar day of each and every race meeting, which payment shall be accompanied by a report on the races and other information as the racing commission may require.

"(b) CAPITAL IMPROVEMENT FUND.

There is created a Capital Improvement Fund. The Capital Improvement Fund shall be established by the county treasurer from monies not otherwise distributed as defined pursuant to Section 18. For the purpose of this act, capital improvements shall mean the following:

"(1) The amount paid out for new buildings or for permanent improvements or betterments made to improve the facilities utilized by the licensee for the conduct of its race meetings.

"(2) The amount expended in restoring property at the facility or in improving a part of the facility which results in the addition or replacement of a fixed asset.

"(3) The amount expended for advertising and promotions by the licensee. Not more than five hundred thousand dollars

(\$500,000) may be expended for advertising or promotion out of the Capital Improvement Fund.”

(c) The licensee is entitled to withdraw from the capital improvement fund established in Act No. 92-105, H. 74 of the 1992 Regular Session (Acts 1992, p. 169) an amount equal to the income taxes owed by the licensee or its individual owners on funds deposited in the Capital Improvement Fund certified by the licensee or owners to the racing commission.

(d) The interest earned on the capital improvement fund shall accrue to the benefit of the licensee to be used for capital improvements pursuant to Act No. 92-105, H. 74 of the 1992 Regular Session (Acts 1992, p. 169).

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 3, 1993

Time: 4:10 P.M.

Act No. 93-304

H. 125 – Reps. Holley, Williams, Fuller,
Starkey, Hammett, Flowers

AN ACT

To allow employees in district attorney offices to purchase credit for service with a district attorney and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Whenever words and phrases defined in Section 36-27-1 of the Code of Alabama 1975, are used in this act, they shall have the same meanings ascribed to them in that section unless the context clearly indicates that a different meaning is intended.

Section 2. Any active and contributing member of the Employees' Retirement System who is employed in the office of a district attorney within the State of Alabama, may elect to purchase credit for any service rendered to any district attorney within the State of Alabama prior to May 4, 1982, the effective date of Act 82-621, S. 221, 1982 Regular Session (Acts 1982, p. 1175), notwithstanding any document heretofore executed which was signed waiving the right to purchase the service.

Section 3. Any employee electing to purchase service credit pursuant to Section 2 shall remit to the Secretary-Treasurer of the Retirement System of Alabama, within one year of the effective

date of this act five percent of the earnable compensation of the member for the entire period of claimed service plus eight percent compounded interest through the date of repayment. The district attorney presently employing a person electing to purchase credit pursuant to Section 2 shall remit to the Secretary-Treasurer of the Retirement System of Alabama at the same time as the employee payment required pursuant to this section, the employer cost as determined by the Employees' Retirement System based upon employer rates in effect during the period of the purchased service, plus eight percent compounded interest on the employer contribution as determined by the Employees' Retirement System.

Section 4. This act shall become effective October 1, in the year of its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 3, 1993

Time: 4:11 P.M.

Act No. 93-305

H. 397 – Rep. Harper

AN ACT

To provide further for certain sales tax exemptions, to amend section 40-23-4, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-23-4, Code of Alabama 1975, is hereby amended to read as follows:

“§40-23-4. Exemptions.

“(a) There are exempted from the provisions of this division and from the computation of the amount of the tax levied, assessed or payable under this division the following:

“(1) The gross proceeds of the sales of lubricating oil and gasoline as defined in sections 40-17-30 and 40-17-170 and the gross proceeds from those sales of lubricating oil destined for out-of-state use which are transacted in a manner whereby an out-of-state purchaser takes delivery of such oil at a distributor's plant within this state and transports it out-of-state, which are otherwise taxed.

“(2) The gross proceeds of the sale, or sales, of fertilizer when used for agricultural purposes. The word “fertilizer” shall not be construed to include cottonseed meal, when not in combination with other materials.

"(3) The gross proceeds of the sale, or sales, of seeds for planting purposes and baby chicks and poults. Nothing herein shall be construed to exempt or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale or sales of plants, seedlings, nursery stock or floral products.

"(4) The gross proceeds of sales of insecticides and fungicides when used for agricultural purposes or when used by persons properly permitted by the department of agriculture and industries or any applicable local or state governmental authority for structural pest control work and feed for livestock and poultry, but not including prepared food for dogs and cats.

"(5) The gross proceeds of sales of all livestock by whomsoever sold, and also the gross proceeds of poultry and other products of the farm, dairy, grove or garden, when in the original state of production or condition of preparation for sale, when such sale or sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm.

"(6) Cottonseed meal exchanged for cottonseed at or by cotton gins.

"(7) The gross receipts from the business on which, or for engaging in which, a license or privilege tax is levied by or under the provisions of sections 40-21-50, 40-21-53 and 40-21-56 through 40-21-60; provided, that nothing contained in this subdivision shall be construed to exempt or relieve the person or persons operating the business enumerated in said sections from the payments of the tax levied by this division upon or measured by the gross proceeds of sales of any tangible personal property, except gas and water, the gross receipts from the sale of which are the measure of the tax levied by said section 40-21-50, merchandise or other tangible commodities sold at retail by said persons, unless the gross proceeds of sale thereof are otherwise specifically exempted by the provisions of this division.

"(8) The gross proceeds of sales or gross receipts of or by any person, firm or corporation, from the sale of transportation, gas, water or electricity, of the kinds and natures, the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama or like regulatory bodies.

"(9) The gross proceeds of the sale, or sales of wood residue, coal or coke to manufacturers, electric power companies and transportation

companies for use or consumption in the production of by-products, or the generation of heat or power used in manufacturing tangible personal property for sale, for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for resale, or for the generation of motive power for transportation.

“(10) The gross proceeds from the sale or sales of fuel and supplies for use or consumption aboard ships, vessels, towing vessels, or barges, or drilling ships, rigs or barges, or seismic or geophysical vessels, or other watercraft (herein for purposes of this exemption being referred to as “vessels”) engaged in foreign or international commerce or in interstate commerce; provided, that nothing in this division shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships, other watercraft and commercial fishing vessels of over five tons load displacement as registered with the U. S. Coast Guard and licensed by the state of Alabama department of conservation and natural resources.

“For purposes of this subdivision, it shall be presumed that vessels engaged in the transportation of cargo between ports in the state of Alabama and ports in foreign countries or possessions or territories of the United States or between ports in the state of Alabama and ports in other states are engaged in foreign or international commerce or interstate commerce, as the case may be. For the purposes of this subdivision, the engaging in foreign or international commerce or interstate commerce shall not require that the vessel involved deliver cargo to or receive cargo from a port in the state of Alabama. For purposes of this subdivision, vessels carrying passengers for hire, and no cargo, between ports in the state of Alabama and ports in foreign countries or possessions or territories of the United States or between ports in the state of Alabama and ports in other states shall be engaged in foreign or international commerce or interstate commerce, as the case may be, if, and only if, both of the following conditions are met: (i) the vessel in question is a vessel of at least 100 gross tons; and (ii) the vessel in question has an unexpired certificate of inspection issued by the United States Coast Guard or by the proper authority of a foreign country for a foreign vessel, which certificate is recognized as acceptable under the laws of the United States. Vessels which are engaged in foreign or international commerce or interstate commerce shall be deemed for the purposes of this subdivision to remain in such commerce while awaiting or under repair in a port of the state of Alabama if such vessel returns after such repairs are completed to engaging in foreign or international commerce or interstate commerce. For purposes of this subdivision, seismic or

geophysical vessels which are engaged either in seismic or geophysical tests or evaluations exclusively in offshore federal waters or in traveling to or from conducting such tests or evaluations shall be deemed to be engaged in international or foreign commerce. For purposes of this subdivision, proof that fuel and supplies purchased are for use or consumption aboard vessels engaged in foreign or international commerce or in interstate commerce may be accomplished by the merchant or seller securing the duly signed certificate of the vessel owner, operator or captain or their respective agent on a form prescribed by the department that the fuel and supplies purchased are for use or consumption aboard vessels engaged in foreign or international commerce or in interstate commerce. Any person filing a false certificate shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$25.00 nor more than \$500.00 for each offense. Each false certificate filed shall constitute a separate offense. Any person filing a false certificate shall be liable to the department for all taxes imposed by this division upon the merchant or seller, together with any interest or penalties thereon, by reason of the sale or sales of fuel and supplies applicable to such false certificate. If a merchant or seller of fuel and supplies secures the certificate herein mentioned, properly completed, such merchant or seller shall not be liable for the taxes imposed by this division, if such merchant or seller had no knowledge that such certificate was false when it was filed with such merchant or seller.

“(11) The gross proceeds of sales of tangible personal property to the state of Alabama, to the counties within the state and to incorporated municipalities of the state of Alabama.

“(12) The gross proceeds of the sale or sales of railroad cars, vessels, barges and commercial fishing vessels of over five tons load displacement as registered with the U. S. Coast Guard and licensed by the state of Alabama department of conservation and natural resources, when sold by the manufacturers or builders thereof.

“(13) The gross proceeds of the sale or sales of materials, equipment, and machinery which, at any time, enter into and become a component part of ships, vessels, towing vessels or barges, or drilling ships, rigs or barges, or seismic or geophysical vessels, other watercraft and commercial fishing vessels of over five tons load displacement as registered with the U. S. Coast Guard and licensed by the state of Alabama Department of Conservation and Natural Resources.

“(14) The gross proceeds of the sale or sales of fuel oil purchased as fuel for kiln use in manufacturing establishments.

“(15) The gross proceeds of the sale or sales of tangible personal property to county and city school boards, independent school

boards and all educational institutions and agencies of the state of Alabama, the counties within the state or any incorporated municipalities of the state of Alabama.

“(16) The gross proceeds from the sale of all devices or facilities, and all identifiable components thereof or materials for use therein, acquired primarily for the control, reduction or elimination of air or water pollution and the gross proceeds from the sale of all identifiable components of or materials used or intended for use in structures built primarily for the control, reduction or elimination of air and water pollution.

“(17) The gross proceeds of sales of tangible personal property or the gross receipts of any business which the state is prohibited from taxing under the Constitution or laws of the United States or under the constitution of this state.

“(18) When dealers or distributors use parts taken from stocks owned by them in making repairs without charge for such parts to the owner of the property repaired pursuant to warranty agreements entered into by manufacturers, such use shall not constitute taxable sales to the manufacturers, distributors or to the dealers, under this division or under any county sales tax law.

“(19) The gross proceeds received from the sale or furnishing of food, including potato chips, candy, fruit and similar items, soft drinks, tobacco products and stationery and other similar or related articles by hospital canteens operated by Alabama state hospitals at Bryce hospital and Partlow state school for mental deficients at Tuscaloosa, Alabama, and Searcy hospital at Mt. Vernon, Alabama, for the benefit of the patients therein.

“(20) The gross proceeds of the sale, or sales, of wrapping paper and other wrapping materials when used in preparing poultry or poultry products for delivery, shipment, or sale by the producer, processor, packer or seller of such poultry or poultry products, including pallets used in shipping poultry and egg products, paper or other materials used for lining boxes or other containers in which poultry or poultry products are packed together with any other materials placed in such containers for the delivery, shipment or sale of poultry or poultry products.

“(21) The gross proceeds of the sales of all antibiotics, hormones and hormone preparations, drugs, medicines or medications, vitamins, minerals or other nutrients and all other feed ingredients including concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feed for fish raised to be sold on a commercial basis, livestock and poultry. Such exemption herein granted shall be in addition to exemptions now provided by law for feed for fish

raised to be sold on a commercial basis, livestock and poultry, but not including prepared foods for dogs or cats.

"(22) The gross proceeds of the sale, or sales, of seedlings, plants, shoots and slips which are to be used for planting vegetable gardens or truck farms and other agricultural purposes. Nothing herein shall be construed to exempt, or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale, or the use of plants, seedlings, shoots, slips, nursery stock and floral products, except as hereinabove exempted.

"(23) The gross proceeds of the sale, or sales, of fabricated steel tube sections, when produced and fabricated in this state by any person, firm or corporation for any vehicular tunnel for highway vehicular traffic, when sold by the manufacturer or fabricator thereof, and also the gross proceeds of the sale, or sales, of steel which enters into and becomes a component part of such fabricated steel tube sections of said tunnel.

"(24) The gross proceeds from sales of admissions to any theatrical production, symphonic or other orchestral concert, ballet or opera production when such concert or production is presented by any society, association, guild or workshop group, organized within this state, whose members or some of whose members regularly and actively participate in such concerts or productions for the purposes of providing a creative outlet for the cultural and educational interests of such members, and of promoting such interests for the betterment of the community by presenting such productions to the general public for an admission charge. The employment of a paid director or conductor to assist in any such presentation described in this subdivision shall not be construed to prohibit the exemptions herein provided.

"(25) The gross proceeds of sales of herbicides for agricultural uses by whomsoever sold. The term "herbicides," as used in this subdivision, means any substance or mixture of substances intended to prevent, destroy, repel or retard the growth of weeds or plants. It shall include preemergence herbicides, postemergence herbicides, lay-by herbicides, pasture herbicides, defoliant herbicides and desiccant herbicides.

"(26) The Alabama chapter of the cystic fibrosis research foundation and the Jefferson tuberculosis sanatorium and any of their departments or agencies, heretofore or hereafter organized and existing in good faith in the state of Alabama for purposes other than for pecuniary gain and not for individual profit, shall be exempted from the computation of the tax on the gross proceeds of all sales levied, assessed or payable.

"(27) The gross proceeds from the sale or sales of fuel for use or consumption aboard commercial fishing vessels are hereby

exempt from the computation of all sales taxes levied, assessed, or payable under the provisions of this division or levied under any county or municipal sales tax law.

"The words "commercial fishing vessels" shall mean vessels whose masters and owners are regularly and exclusively engaged in fishing as their means of livelihood.

"(28) The gross proceeds of sales of sawdust, wood shavings, wood chips and other like materials sold for use as "chicken litter" by poultry producers and poultry processors.

"(29) The gross proceeds of the sales of all antibiotics, hormones and hormone preparations, drugs, medicines and other medications including serums and vaccines, vitamins, minerals or other nutrients for use in the production and growing of fish, livestock and poultry by whomsoever sold. Such exemption as herein granted shall be in addition to the exemption provided by law for feed for fish, livestock and poultry, and in the addition to the exemptions provided by law for the above-enumerated substances and products when mixed and used as ingredients in fish, livestock and poultry feed.

"(30) The gross proceeds of the sale or sales of all medicines prescribed by physicians for persons who are 65 years of age or older, and when said prescriptions are filled by licensed pharmacists, shall be exempted under this division or under any county or municipal sales tax law. The exemption provided in this section shall not apply to any medicine purchased in any manner other than as is herein provided.

"For the purposes of this subdivision, proof of age may be accomplished by filing with the dispensing pharmacist any one or more of the following documents:

"a. The name and claim number as shown on a "Medicare" card issued by the United States social security administration.

"b. A certificate executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

"c. An affidavit executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

"For the purposes of this subdivision, any person filing a false proof of age shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of \$100.00.

"(31) There shall be exempted from the tax levied by this division the gross receipts of sales of grass sod of all kinds and character when in the original state of production or condition of preparation

for sale, when such sales are made by the producer or members of his family or for him by those employed by him to assist in the production thereof; provided, that nothing herein shall be construed to exempt sales of sod by a person engaged in the business of selling plants, seedlings, nursery stock or floral products.

“(32) The gross receipts of sales of the following items or materials which are necessary in the farm-to-market production of tomatoes when such items or materials are used by the producer or members of his family or for him by those employed by him to assist in the production thereof: twine for tying tomatoes, tomato stakes, field boxes (wooden boxes used to take tomatoes from the fields to shed) and tomato boxes used in shipments to customers.

“(33) The gross proceeds from the sale of liquefied petroleum gas sold to be used for agricultural purposes.

“(34) The gross receipts of sales from state nurseries of forest tree seedlings.

“(35) The gross receipts of sales of forest tree seed by the state.

“(36) The gross receipts of sales of *Lespedeza bicolor* and other species of perennial plant seed and seedlings sold for wildlife and game food production purposes by the state.

“(37) The gross receipts of any aircraft manufactured, sold and delivered in this state if said aircraft are not permanently domiciled in Alabama and are removed to another state within three days of delivery.

“(38) The gross proceeds from the sale or sales of all diesel fuel used for off-highway agricultural purposes.

“(39) The gross proceeds from sales of admissions to any sporting event which:

“a. takes place in the state of Alabama on or after January 1, 1984, regardless of when such sales occur; and

“b. is hosted by a not-for-profit corporation organized and existing under the laws of the state of Alabama; and

“c. determines a national championship of a national organization, including but not limited to the Professional Golfers Association of America, the Tournament Players Association, the United States Golf Association, the United States Tennis Association, and the National Collegiate Athletic Association; and

“d. has not been held in the state of Alabama on more than one prior occasion, provided, however, that for such purpose the professional golfers association championship, the United States

Open Golf Championship, the United States Amateur Golf Championship of the United States Golf Association, and the United States Open Tennis Championship shall each be treated as a separate event.

“(40) The gross receipts from the sale of any aircraft and replacement parts, components, systems, supplies and sundries affixed or used on said aircraft and ground support equipment and vehicles used by or for the aircraft to or by a certificated or licensed air carrier with a hub operation within this state, for use in conducting intrastate, interstate or foreign commerce for transporting people or property by air. For the purpose of this subdivision, the words “hub operation within this state” shall be construed to have all of the following criteria:

“a. There originates from the location 15 or more flight departures and five or more different first-stop destinations five days per week for six or more months during the calendar year; and

“b. Passengers and/or property are regularly exchanged at the location between flights of the same or a different certificated or licensed air carrier.

“(41) The gross receipts from the sale of hot or cold food and beverage products sold to or by a certificated or licensed air carrier with a hub operation within this state, for use in conducting intrastate, interstate or foreign commerce for transporting people or property by air. For the purpose of this subdivision, the words “hub operation within this state” shall be construed to have all of the following criteria:

“a. There originates from the location 15 or more flight departures and five or more different first-stop destinations five days per week for six or more months during the calendar year; and

“b. Passengers and/or property are regularly exchanged at the location between flights of the same or a different certificated or licensed air carrier.

(42) The gross proceeds of the sale or sales of the following:

“a. Drill pipe, casing, tubing, and other pipe used for the exploration for or production of oil, gas, sulphur, or other minerals in offshore federal waters.

“b. Tangible personal property exclusively used for the exploration for or production of oil, gas, sulphur, or other minerals in offshore federal waters.

“c. Fuel and supplies for use or consumption aboard boats, ships, aircraft and towing vessels when used exclusively in transporting persons or property between a point in Alabama and a

point or points in offshore federal waters for the exploration for or production of oil, gas, sulphur, or other minerals in offshore federal waters.

"d. Drilling equipment that is used for the exploration for or production of oil, gas, sulphur, or other minerals, that is built for exclusive use outside this state and that is, on completion, removed forthwith from this state.

"The delivery of items exempted by this subdivision to the purchaser or lessee in this state does not disqualify the purchaser or lessee from the exemption if the property is removed from the state by any means, including by the use of the purchaser's or lessee's own facilities.

"The shipment to a place in this state of equipment exempted by this subdivision for further assembly or fabrication does not disqualify the purchaser or lessee from the exemption if on completion of the further assembly or fabrication the equipment is removed forthwith from this state. This subdivision applies to a sale that may occur when the equipment exempted is further assembled or fabricated if on completion the equipment is removed forthwith from this state.

"(43) The gross receipts derived from all bingo games and operations which are conducted in compliance with validly enacted legislation authorizing the conduct of such games and operations, and which comply with the distribution requirements of the applicable local laws; provided that the exemption from sales taxation granted by this subdivision shall apply only to gross receipts taxable under section 40-23-2(2). It is further provided that this exemption shall not apply to any gross receipts from the sale of tangible personal property, such as concessions, novelties, food, beverages, etc. The exemption provided for in this section shall be limited to those games and operations by organizations which have qualified for exemption under the provisions of 26 U.S.C. § 501 (c) (3), (4), (7), (8), (10), or (19), or which are defined in 26 U.S.C. § 501 (d).

"(44) The gross receipts derived from the sale or sales of fruit or other agricultural products by the person or corporation that planted, cultivated and harvested such fruit or agricultural product.

"(b) Any violation of any provision of this section shall be punishable in a court of competent jurisdiction by a fine of not less than \$500.00 and no more than \$2,000.00 and imprisonment of not less than six months nor more than one year in the county jail."

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of the act is declared unconstitutional such declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately following its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 3, 1993

Time: 4:12 P.M.

Act No. 93-306

H. 621 – Reps. Smith (R), Ford, Bugg
AN ACT

Providing that certain weeds and grass growing upon streets, sidewalks, and private property may be declared a public nuisance in a Class 4 municipality which is organized pursuant to Chapter 43B, Title 11, Code of Alabama 1975, establishing the procedures for determining whether they are a public nuisance; providing for notice to be given to the property owner concerning the public nuisance, and a procedure for assessing costs of the removal against the property, constitute the same as a lien, and providing for the collection of the assessments and the enforcement of the lien.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply only to a Class 4 municipality which has adopted the form of government provided by Sections 11-43B-1 et seq., Code of Alabama 1975. This act shall not apply to a Class 4 municipality which has adopted the form of government provided by Sections 11-44B-1 et seq., Code of Alabama 1975.

Section 2. An abundance of overgrown grass or weeds within the city which is injurious to the general public health, safety, and general welfare by providing breeding grounds and shelter for rats, mice, snakes, mosquitoes, and other vermin, insects, and pests; or attaining heights and dryness so as to constitute a serious fire threat or hazard; or bearing wingy or downy seeds, when mature, that cause the spread of weeds and, when breathed, irritation to the throat, lungs, and eyes of the public; or hiding debris, such as broken glass or metal, which could inflict injury on a person going upon the property; or being unsightly; or a growth of grass or weeds, other than ornamental plant growth, which exceeds 12 inches in height, may be declared to be a public nuisance and abated as provided in this act.

Section 3. (a) Whenever in the opinion of the city official or any other city employee designated by the mayor, a nuisance

exists, the official shall order the owner of the property on which the nuisance is located to abate the condition.

(b) The enforcing official shall give the owner written notice in person or by first class mail. The notice shall require the owner to abate the condition within the time stated in the notice or to request a hearing before an administrative official of the city designated by the mayor or council to determine whether there has been a violation. The notice shall apprise the owner of the facts of the alleged nuisance and shall name the particular date, time, and place for the hearing if requested by the owner.

(c) The notice shall be sent to that person shown by the records of the county to have been the last person assessed for payment of ad valorem tax on the property where the nuisance is situated. It shall be the responsibility of that person to promptly advise the enforcing official of a change of ownership or interest in the property.

(d) The notice shall also be posted in a conspicuous place on the property.

(e) The notice shall require the owner to complete abatement of the nuisance within 14 days from the date of notice, provided the enforcing official may stipulate additional time, but in no case more than 28 days.

(f) A hearing before the administrative official shall be requested within five days of the date of the notice by the enforcing official. The enforcing official shall notify the owner by personal service or by first class mail of the determination of the administrative official. If the administrative official determines that a nuisance exists, the owner shall comply with the initial order to abate issued by the enforcing official, with modifications as may be made by the administrative official.

Section 4. (a) If the owner fails, neglects, or refuses to abate the condition after notice to do so, the enforcing official shall cause the offending grass or weeds to be cut.

(b) Upon completion of the abatement work performed by the city, including work by contractors employed by the city, the enforcing official shall compute the actual expenses, including, but not limited to, total wages paid, value of the use of equipment, advertising expenses, postage, and materials purchased, which were incurred by the city as a result of the work. An itemized statement of the expenses shall be given by first class mail to the last known address of the owner of the property. This notice shall be sent at least five days in advance of the time fixed by the city council to consider the assessment of the cost against property.

(c) At the time fixed for receiving and considering the statement, the council shall hear the same, together with any objections which may be raised by the owner whose property is liable to be assessed for the work and thereupon make modifications in the statement as they deem necessary, after which a resolution may assess the cost. The cost stated in the resolution shall constitute a special assessment against the land and shall constitute a lien on the property. The city clerk shall charge the assessments against the respective lots and parcels of land for municipal purposes. Thereafter, the amounts shall be collected at the same time and in the same manner as ordinary municipal assessments are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal assessments.

(d) The city clerk shall cause a certified copy of the resolution assessing the cost of abatement to be filed for recording in the office of the judge of probate and shall forward a copy to the county tax collector. Upon a filing the tax collector shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax, and remit the amount to the city.

Section 5. The city shall have the power to assess the costs authorized herein against any lot or lots, parcel or parcels of land purchased by the State of Alabama at any sale for the nonpayment of taxes, and where an assessment is made against a lot by a person authorized to redeem, or sale thereof by the state, shall not operate to discharge, or in any manner affect the lien of the city for the assessment, but a redemptioner or purchaser at a sale by the state of an lot or lots, parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to a sale to the state for the nonpayment of taxes, shall take the same subject to the assessment.

Section 6. This act is cumulative in its nature and in addition to any and all power and authority which a city may have under any other law.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 3, 1993

Time: 4:13 P.M.

Act No. 93-307

H. 622 – Reprs. Smith (R), Ford, Bugg

AN ACT

Relating to any Class 4 municipalities whose city governing body is organized pursuant to Chapter 43B, Title 11, Code of Alabama 1975; to provide the right of the city to demolish unsafe structures; providing for a determination of the ownership of the real property or structure and notice of hearing, the procedure for holding the hearing before the city governing body, the procedure for appeal to the circuit court, the right of the city to obtain a lien for the cost of demolition, the authority to assess against property sold to the State of Alabama for taxes, and the method of collection of assessments.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to a Class 4 municipality which has adopted the form of government provided in Chapter 43B of Title 11, Code of Alabama 1975.

Section 2. The city shall have authority, after notice as provided herein, to move or demolish buildings and structures, or parts of buildings and structures, party walls, and foundations when any of the above are found by the governing body of the city to be unsafe to the extent of being a public nuisance from any cause.

Section 3. (a) The term “appropriate city official” as used in this act shall mean any city employee designated by the mayor as the person to exercise the authority and perform the duties delegated by this act to the “appropriate city official.”

(b) Whenever the appropriate city official finds that a building, structure, part of a building or structure, party wall, or foundation situated in the city is unsafe to the extent that it is a public nuisance, the official shall give the person or persons, firm, association, or corporation last assessed for state taxes and all mortgagees of record written notice to remedy the unsafe or dangerous condition of the building or structure or to demolish the building or structure within the time set out in this act, or that the building or structure may be demolished by the city and the cost thereof assessed against the property. A copy of the notice shall be served by first-class mail or by personal service.

(c) Notice of the order, or a copy thereof, prior to the delivery or mailing of the order as required by this section shall also be posted at or within three feet of an entrance to the building or structure. If there is no entrance, the notice may be posted at any location upon the building or structure.

Section 4. (a) The notice shall require the owner to abate the nuisance within the time stated in the notice or to request a

hearing before the administrative officer designated by the mayor or council to determine whether there has been a violation. The notice shall apprise the owner of the facts of the alleged nuisance and shall name the particular date, time, and place for the hearing, if requested. The notice shall contain the names of all owners and lienholders of the property, a legal description of the property, and the nature of the proceeding.

(b) The notice shall be sent to the person shown by the records of the county tax collector to have been the last person assessed for payment of ad valorem tax on the property where the nuisance is situated. It shall be the responsibility of the person to promptly advise the appropriate city official of any change of ownership or interest in the property. The appropriate city official shall cause a copy of each building nuisance notice to be recorded in the office of the judge of probate.

(c) The notice shall require the owner to complete abatement of the nuisance within 120 days from the date of the notice, provided the appropriate city official may stipulate additional time, but in no case more than a total of 150 days.

(d) The notice may also require the immediate vacation of a building or structure and prohibit its occupation until the required repairs and improvements have been completed, inspected, and approved by the appropriate city official. In these cases, the official shall post at each entrance to the building or structure a sign stating "THIS STRUCTURE IS UNSAFE. ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE CITY OF _____", or words of similar import, and shall be signed and dated. The sign shall remain until the required repairs and improvements have been made or the structure has been demolished and removed. The sign shall not be removed without permission of the official whose name is affixed thereon. No person shall enter the structure except for the purpose of making the required repairs or demolishing the structure.

(e) A hearing before the administrative official may be requested within five days of the date of the notice of the appropriate city official. The appropriate city official shall notify the owner by personal service or by first class mail of the determination of the administrative official. If the administrative official determines that a nuisance exists, the owner shall comply with the initial order to abate issued by the appropriate city official, with any modifications as may be made by the administrative official.

Section 5. (a) If the owner fails, neglects, or refuses to comply with the notice to abate the nuisance, there shall be a public hearing before the city council. Notice of the hearing shall be given

to the owner at least five days in advance by personal service or by first class mail.

(b) After the public hearing, the city council may by resolution order the appropriate city official to proceed with the work specified in the notice or may order that the nuisance be demolished or removed or may find that no nuisance exists. If the owner appears at the public hearing, no further notice of the order of the city council shall be required. If the owner fails to appear, notice of the order of the city council shall be mailed to the person's last known address and shall be published once in a newspaper of general circulation in the city. Upon the expiration of seven days from the date of the resolution, the appropriate city official shall proceed to carry out the decision of the council.

Section 6. Upon demolition of the building or structure, the appropriate city official shall make a report of the governing body of the costs thereof, and the governing body shall adopt a resolution fixing the costs which it finds were reasonably incurred in the demolition and assessing the same against the property. The proceeds received from the sale of salvaged materials from the building or structure shall be used or applied against the cost of demolition. Any person, firm, or corporation having an interest in the property may be heard at the meeting as to any objection he or she may have to the fixing of the cost or the amounts thereof. The city clerk shall give not less than five days' notice of the meeting at which the fixing of the costs are to be considered, by first class mail to the last known address of the owner. The fixing of the costs by the governing body shall constitute a special assessment against the lot or lots, or the parcel or parcels of land upon which the building or structure was located, and shall constitute a lien on the property for the amount of the assessment. The lien shall be superior to all other liens on the property except liens for taxes, and shall continue in force until paid. The city clerk shall mail a copy of the resolution to the person last assessing the property for taxes and all mortgagees of record, and a certified copy of the resolution shall also be filed in the office of the judge of probate of the county in which the city is situated. The city clerk shall forward a copy to the county tax collector. Upon the filing, the tax collector shall add the amount of the lien to the ad valorem tax bill on the property and shall collect the amount as if it were a tax, using all methods available for collecting ad valorem tax, and remit the amount to the city.

Section 7. The city shall have the power to assess the costs authorized by this act against any lot or lots or parcel or parcels of land purchased by the State of Alabama at any sale for the non-payment of taxes. When an assessment has been made against a

lot or lots or parcel or parcels of land, a subsequent redemption thereof by any person authorized to redeem, or sale thereof by the state, shall not operate to discharge, or in any manner affect the lien of the city for assessment, but any redemptioner or purchaser at any sale by the state of any lot or lots or parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to a sale to the state for the nonpayment of taxes, shall take the same subject to the assessment.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 3, 1993

Time: 4:14 P.M.

Act No. 93-308

H. 768 – Rep. Freeman

AN ACT

To amend Section 32-9-20, Code of Alabama 1975, relating to size and weight restrictions of trucks operating on the state highways, to increase the length restriction if certain requirements are met.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 32-9-20, Code of Alabama 1975, is amended to read as follows:

“§32-9-20.

“It shall be unlawful for any person to drive or move on any highway in this state any vehicle or vehicles of a size or weight except in accordance with the following provisions:

“(1) **WIDTH.** Vehicles and combinations of vehicles, operating on highways with traffic lanes 12 feet or more in width, shall not exceed a total outside width, including any load thereon, of 102 inches, exclusive of mirrors or other safety devices approved by the state highway department. The director of the state highway department may, in his or her discretion, designate other public highways for use by vehicles and loads with total outside widths

not exceeding 102 inches, otherwise; vehicles and combinations of vehicles, operating on highways with traffic lanes less than 12 feet in width, shall not exceed a total outside width, including any load thereon, of 96 inches, exclusive of mirrors or other safety devices approved by the state highway department. No passenger vehicle shall carry any load extending beyond the line of the fenders. No vehicle hauling forest products or culvert pipe on any highway in this state shall have a load exceeding 102 inches in width.

“(2) HEIGHT. No vehicle or semitrailer or trailer shall exceed in height 13 1/2 feet, including load.

“(3) LENGTH. No vehicle shall exceed in length 40 feet; except, that the length of a truck-semitrailer combination, semitrailers, including load, used in a truck tractor-semitrailer combination, shall not exceed 57 feet and semitrailers and trailers, including load, used in a truck tractor-semitrailer-trailer combination, shall not exceed 28 1/2 feet each. Semitrailers exceeding 53 1/2 feet shall only be operated on highways designated pursuant to Section 32-9-1 and shall only be operated when the distance between the kingpin of the semitrailer and the rearmost axle or a point midway between the two rear axles, if the two rear axles are tandem axles, does not exceed 41 feet and if the semitrailer is equipped with a rear underride guard of a substantial construction consisting of a continuous lateral beam extending to within four inches of the lateral extremities of the semitrailer and located not more than 22 inches from the surface as measured with the semitrailers empty and on a level surface. For purposes of enforcement of this subdivision, lengths of semitrailers and trailers refer to the cargo carrying portion of the unit. Truck tractor units used exclusively in combinations transporting motor vehicles may directly carry a portion of the cargo, provided that the combinations are restricted to truck tractor-semitrailer combinations only and provided further that the overall length of these particular combinations shall not exceed 65 feet; except that the overall length of stinger-steered type units shall not exceed 75 feet. No truck tractor-semitrailer combination used exclusively for transporting motor vehicles shall carry any load extending more than three feet beyond the front or four feet beyond the rear of the combination. No other vehicle operated on a highway shall carry any load extending more than a total of five feet beyond both the front and rear, inclusive, of the vehicle.

“(4) WEIGHT.

“a. The gross weight imposed on the highway by the wheels of any one axle of a vehicle shall not exceed 20,000 pounds, or such other weight, if any, as may be permitted by federal law to keep the state from losing federal funds; provided, that inadequate bridges shall be posted to define load limits.

"b. For the purpose of this section, an axle load shall be defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.

"c. Subject to the limit upon the weight imposed upon the highway through any one axle as set forth herein, the total weight with load imposed upon the highway by all the axles of a vehicle or combination of vehicles shall not exceed the gross weight given for the respective distances between the first and last axle of the vehicle or combination of vehicles, measured longitudinally to the nearest foot as set forth in the following table:

"COMPUTED GROSS WEIGHT TABLE:

"For various spacings of axle groupings

"Distance in feet between first and last axles of vehicle or combination of vehicles	Maximum load in pounds on all the axles				
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	2 axles	3 axles	4 axles	5 axles	6 axles
8 or less	36,000	42,000	42,000		
9	38,000	42,500	42,500		
10	40,000	43,500	43,500		
11		44,000	44,000		
12		45,000	50,000	50,000	
13		45,500	50,500	50,500	
14		46,500	51,500	51,500	
15		47,000	52,000	52,000	
16		48,000	52,500	58,000	58,000
17		48,500	53,500	58,500	58,500
18		49,500	54,000	59,000	59,000
19		50,000	54,500	60,000	60,000
20		51,000	55,500	60,500	66,000
21		51,500	56,000	61,000	66,500
22		52,500	56,500	61,500	67,000
23		53,000	57,500	62,500	68,000
24		54,000	58,000	63,000	68,500
25		54,500	58,500	63,500	69,000
26		56,000	59,500	64,000	69,500
27		57,000	60,000	65,000	70,000
28		59,000	60,500	65,500	71,000
29		60,000	61,500	66,000	71,500
30			62,000	66,500	72,000

31	63,500	67,000	72,500
32	64,500	68,000	73,500
33	65,000	69,000	74,000
34	65,500	70,000	74,500
35	66,500	71,000	75,000
36	67,000	72,000	76,000
37	68,000	73,000	77,000
38	69,000	74,000	78,000
39	70,000	75,000	79,000
40	71,000	76,000	80,000
41	72,000	77,000	81,000
42	73,000	78,000	82,000
43	74,000	79,000	83,000
44 and over	75,000	80,000	84,000

"Except as provided by special permits, no vehicle or combination of vehicles exceeding the gross weights specified above shall be permitted to travel on the public highways within the state of Alabama.

"No vehicle or combination of vehicles shall be permitted to operate on any portion of the interstate highway system of Alabama that shall have a greater weight than 20,000 pounds carried on any one axle, including all enforcement tolerances, or with a tandem axle weight in excess of 34,000 pounds, including all enforcement tolerances, or with an overall gross weight on a group of two or more consecutive axles produced by application of the following formula:

$$W = 500 (LN/N-1 + 12N + 36)$$

where W = overall gross weight on any group of two or more consecutive axles to the nearest 500 pounds, L = distance in feet between the extreme of any group of two or more consecutive axles and N = number of axles in group under consideration; except, that two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each, provided the overall distance between the first and last axles of the consecutive sets of tandem axles is 36 feet or more; provided, that the overall gross weight may not exceed 80,000 pounds, including all enforcement tolerances. Nothing in this section shall be construed as permitting size or weight limits on the national system of interstate and defense highways in this state in excess of those permitted under 23 U.S.C. section 127. If the federal government prescribes or adopts vehicle size or weight limits greater than or less than those now prescribed by 23 U.S.C. section 127 for the national system of interstate and defense highways, the increased or decreased limits shall become effective on the national system of interstate and defense highways in this state. Nothing in this section shall be

construed to deny the operation of any vehicle or combination of vehicles that could be lawfully operated upon the highways and roads of this state on January 4, 1975.

"d. For purposes of enforcement of subdivision (4) of this section, all scaled weights shall be deemed to have a margin of error of 10 percent of the true gross or axle weights.

"e. Dump trucks, dump trailers, concrete mixing trucks, fuel oil, gasoline trucks and trucks designated and constructed for special type work or use shall not be made to conform to the axle spacing requirements of paragraph (4)c of this section; provided, that the vehicle shall be limited to a weight of 20,000 pounds per axle plus scale tolerances; and, provided further, that the maximum gross weight of the vehicles shall not exceed the maximum weight allowed by this section for the appropriate number of axles, irrespective of the distance between axles, plus allowable scale tolerances. All axles shall be brake equipped. Concrete mixing trucks which operate within 50 miles of their home base shall not be required to conform to the requirements of paragraph (4)a of this section; provided, that the vehicles shall be limited to a maximum load of the rated capacity of the concrete mixer, the true gross load not to exceed 66,000 pounds, and all vehicles shall have at least three axles, each with brake equipped wheels. It shall be a violation if the vehicles named under this subdivision travel upon bridges designated and posted by the highway director as incapable of carrying the load.

"f. If the driver of any vehicle can comply with the weight requirements of this section by shifting or equalizing the load on all wheels or axles and does so when requested by the proper authority, the driver shall not be held to be operating in violation of this section.

"g. When portable scales are used in the enforcement of the provisions of this section, the axles of any vehicle described or commonly referred to as tandem or triaxle rigs or units (that is, vehicles having two or more axles in addition to a steering axle), the group of tandem or triaxles shall be weighed simultaneously, and the total weight so derived shall be divided by the number of axles weighed in the group to arrive at the per axle weight, except that if any one axle in the group exceeds 20,000 pounds in weight, it shall not exceed the weight of any other axle in the group by more than 50 percent. When portable scales are used to determine the weight of a vehicle pursuant to this section, the operator of the vehicle will be permitted to move the vehicle to the nearest platform scales certified by the department of agriculture and industries and operated by a bonded operator within a distance of 10 highway miles, accompanied by an enforcement officer to verify

the accuracy of the portable scales used in determining the vehicle weight. If the weight of the vehicle is shown by the platform scales to be within the legal limits of this section, the operator of the vehicle shall not be held to be in violation of this section.

“h. The governing body of a county, by appropriate resolution, may authorize limitations less than those prescribed herein for vehicles operated upon the county highways of the county.

“i. The state highway department may post or limit any road or bridge to weights less than those prescribed by this section. It is the legislative intent and purpose that this section be rigidly enforced by the state highway department, the department of public safety and any other authorized law-enforcement officers of the state, any county, or city and incorporated towns.

“j. Two and three axle vehicles being used exclusively for the purpose of transporting agricultural commodities or products to and from a farm and for agricultural purposes relating to the operation and maintenance of a farm by any farmer, custom harvester or husbandman may not be made to conform to the axle requirements of paragraph (4)a of this section or the gross weight requirements of paragraph (4)c of this section.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 3, 1993

Time: 4:15 P.M.

Act No. 93-309

H. 301 – Reps. Butler, McMillan, Freeman

AN ACT

To amend Section 38-4-12, Code of Alabama 1975, to further provide for the appropriation of the surplus revenues from the one mill tax for relief of needy Confederate soldiers and sailors.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 38-4-12, Code of Alabama 1975, is amended to read as follows:

“§38-4-12.

“(a) Except as provided in subsection (b), there is appropriated to the state department, for old age pension purposes, out of the proceeds from the levy of the one mill tax for the relief of needy

Confederate soldiers and sailors and their widows, all of the surplus or residue from the tax after the payment in full of the pensions to the widows of Confederate soldiers and sailors and other charges against the fund set out in the laws authorizing the payment of the pensions to the widows. In making this appropriation, it is declared to be the legislative policy that the department of human resources shall expend all of the surplus or residue hereby appropriated and all moneys received by it from the federal government as matching funds for all funds expended for Confederate pensions or as matching funds for the surplus or residue hereby appropriated under this section, for old age pension purposes exclusively insofar as is possible under existing laws and the rules and regulations of the federal government and of the department of human resources in regard thereto, before any part thereof may be expended for any other purposes of the department of human resources.

(b) From all of the surplus or residue provided in (a) above after deducting the amounts allotted to the recipient agencies under the annual appropriations act from the one mill ad valorem tax, there is hereby appropriated to the Department of Veterans' Affairs all of the remaining residue to be expended for veterans' nursing homes located in Bay Minette, Alabama and Huntsville, Alabama. This appropriation shall continue until the Department of Veterans' Affairs receives an aggregate of five million and five hundred thousand dollars (\$5,500,000).

(c) At such time that the provisions of subsection (b) above are met, the distribution of the 1 mill tax as provided in Section 1(a) above shall continue as provided in that section prior to the passage of this act."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 3, 1993

Time: 4:16 P.M.

Act No. 93-310

H. 288 – Reps. Mikell, Beasley

AN ACT

To amend Section 27-1-16, Code of Alabama 1975, relating to standard health insurance claim forms to provide for certain pharmacy and dental claim forms.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 27-1-16, Code of Alabama 1975, is amended to read as follows:

“§27-1-16.

“(a) (1) The commissioner of the department of insurance shall prescribe a standard health insurance claim form to be used by all hospitals. The forms shall be prescribed in a format which allows for the use of generally accepted diagnosis and treatment coding systems by providers of health care and payors. The standard form shall be accepted and used by all insurers doing business in the state of Alabama and by all state agencies which pay providers of health care for hospital services.

“(2) The commissioner of the department of insurance shall also prescribe a format for all health insurance claims transmitted or submitted for payment by electronic or electro-mechanical means. Such a format shall be used by all insurers doing business in the state of Alabama and by all state agencies which pay providers of health care for hospital services.

“(b) An advisory committee of five persons, two appointed by the Alabama Hospital Association, two by the Health Insurance Association of America, and one by an Alabama nonprofit corporation which markets health insurance, shall advise the commissioner on an acceptable standard health insurance claim form and an electronic or electro-mechanical claims form no later than 60 days prior to January 1, 1982. If changes in the forms need to be made at any future time, the commissioner of the department of insurance shall inform the advisory committee and the committee shall make recommendations as to the changes.

“(c) All insurers doing business in Alabama and all state agencies shall accept, for services from physicians licensed to practice medicine, the Uniform Health Insurance Claim Form approved by the Council on Medical Service of the American Medical Association. Nothing in this section shall be construed to prohibit an insurer or state agency from accepting any other health insurance claim form for services provided by a physician licensed to practice medicine.

“(d) Every third party prescription program serving patients in Alabama shall utilize the universal pharmacy billing claim form or format used by pharmacists billing for their services. Information required on the universal prescription claim form, either hard copy or electronic, shall be in compliance with the National Council on Pharmaceutical Drug Plan standards. If a provider, due to the location of the pharmacy, cannot comply with electronic claims submission requirements, then the prescription program shall allow the pharmacy to submit claims via hard copy.

Pharmacy providers and recipients shall be given at least 45 days advance notice regarding changes in procedures and benefits.

“(e) All insurers doing business in Alabama and all state agencies shall accept for services from dentists licensed to practice dentistry, the Uniform Dental Claim form approved by the Council on Dental Care Programs of the American Dental Association. Nothing in this section shall be construed to prohibit an insurer or state agency from accepting any other dental insurance claim form for services provided by a dentist license to practice dentistry.

“(f) The foregoing provisions shall not apply to the Alabama Medicaid Agency.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 3, 1993

Time: 4:17 P.M.

Act No. 93-311

S. 612 – Senator Ellis

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to authorize the governing body of Shelby County to pledge certain tax proceeds to secure the payment of certain obligations of the county and to provide that any such pledge shall not cause the obligations secured thereby to constitute indebtedness of the county for purposes of Section 224, as amended, of the Constitution of Alabama of 1901.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

The governing body of Shelby County, herein called the “County”, is authorized to pledge all or a portion of the proceeds of the tax levied pursuant to the act resulting from the enactment of Senate Bill 563 or House Bill 794 introduced at the 1993 Regular Session of the Legislature of Alabama, the tax being herein called the “Special Tax” and the act being herein called the “Special Tax Act”, to secure the payment of:

- (i) the principal of and the interest and premium on:

(a) any warrants of the County that were outstanding and unpaid at the time of enactment of the Special Tax Act, regardless of whether such warrants were issued as general obligations of the County secured by a pledge of its full faith and credit or were issued as limited obligations of the County payable solely from certain specified revenues or other funds of the County; or

(b) any warrants or other obligations issued by the County or by a public corporation formed pursuant to the approval or consent of the governing body of the County to refund, in whole or in part:

(1) any warrants described in the preceding clause (a); or

(2) any warrants or other obligations issued to refund, in whole or in part, any warrants described in the preceding clause (a); or

(ii) any obligation of the County under any lease agreement or other contract heretofore or hereafter executed and delivered by the County to provide a source of payment for the principal of and the interest and premium on:

(A) any warrants of the Shelby County Public Building Authority that were outstanding and unpaid at the time of enactment of the Special Tax Act; or

(B) any warrants or other obligations issued by the County or by the Public Building Authority or by another public corporation formed pursuant to the approval or consent of the governing body of the County to refund, in whole or in part:

(I) any warrants described in the preceding clause (A); or

(II) any warrants or other obligations issued to refund, in whole or in part, any warrants described in the preceding clause (A).

The governing body of the County may make either a single pledge of the proceeds of the Special Tax or multiple pledges of such proceeds. The proceedings of the governing body providing for any such pledge of all or a portion of the proceeds of the Special Tax may specify either that such pledge shall be prior and superior to any pledge of such proceeds thereafter made or that such pledge shall be on a parity with any subsequent pledge with respect to which certain stated conditions are satisfied. Any proceeds of the Special Tax that are not needed for the payment of the obligations for which such proceeds are pledged shall be used in such manner consistent with the Special Tax Act, or any amendment thereof hereafter enacted, as the governing body of the County shall specify; provided, however, that so long as any obligations of the County described in subparagraph (i) or (ii) of the first paragraph of this

amendment remain outstanding and unpaid, the proceeds of the Special Tax may not be used for any purpose other than the payment of such obligations or the establishment or replenishment of a reserve fund or similar fund to secure the payment of any or all of such obligations.

Except for general obligations of the County for the payment of which the County has pledged its full faith and credit, no warrants or other obligations of the County for the payment of which the County hereafter pledges all or a portion of the proceeds of the Special Tax shall constitute an indebtedness of the County for purposes of Section 224 of the Constitution of Alabama of 1901, as amended by Amendment No. 342.

The Special Tax Act is ratified, approved, validated, and confirmed in all respects; provided, however, that the provisions of this amendment shall control in the event of any inconsistency between the provisions hereof and the provisions of the Special Tax Act.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment shall be held at the next general, special, constitutional, or county election in Shelby County. The election shall be held in accordance with Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the Senate April 27, 1993

Passed the House May 4, 1993

Act No. 93-312

S. 483 – Senator Waggoner

AN ACT

To amend subsection (f) of Amendment No. 386 of the Constitution of Alabama of 1901, providing for the operation of bingo in Jefferson County under certain conditions by non-profit organizations for charitable and educational purposes, to further provide that the amounts of prizes shall not exceed the amounts set by local law.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to subsection (f) of Amendment No. 386 to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

Amendment To Subsection (f) of Amendment No. 386

(f) Prizes given by any nonprofit organization for the playing of bingo games in Jefferson County shall not exceed the amounts set by local law;

Section 2. This amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment shall be held at the next general, special, constitutional, or county election in Jefferson County. The election shall be held in accordance with Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the Senate April 6, 1993

Passed the House May 4, 1993

Act No. 93-313 H. 165 – Reps. Johnson, Mathis, Poole, Haynes,
Carothers, Newton (C), Willis

AN ACT

To provide a state income tax credit to physicians who are recruited to practice and who actually practice in a small or rural community.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the intent of the Legislature to institute programs that will make Alabama more competitive with other states in the recruitment and retention of physicians and reduce inequities that a small or rural hospital and small or rural communities have in the funding and recruitment of physician services.

Section 2. For the purposes of this act, the following words have the following meanings:

(1) **RURAL PHYSICIAN.** A physician licensed to practice medicine in Alabama who practices and resides in a small or rural community and has admission privileges to a small or rural hospital.

(2) **SMALL OR RURAL COMMUNITY.** A community in Alabama that has less than 25,000 residents according to the latest decennial census and has a hospital with an emergency room.

(3) **SMALL OR RURAL HOSPITAL.** An acute care hospital that meets one of the following requirements:

a. Contains less than 105 beds and is located more than 20 miles, under normal travel conditions, from another acute care hospital located in Alabama.

b. Receives Medicare rural reimbursement from the federal government.

Section 3. Beginning with the 1994 tax year, a person qualifying as a rural physician shall be allowed a credit against the tax imposed by Section 40-18-2, Code of Alabama 1975, the sum of five thousand dollars (\$5,000). No credit shall be allowed to a rural physician who is, on the effective date of this act, practicing in a small or rural community. No credit shall be allowed to a physician who has previously practiced in a small or rural community unless, after the effective date of this act, that physician returns to practice in a small or rural community after having practiced in a large or urban community for at least three years. The tax credit may be claimed for not more than five consecutive tax years. The Department of Revenue shall promulgate any rules and regulations necessary to implement and administer the provisions of this act.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 4, 1993

Time: 6:30 P.M.

Act No. 93-314

H. 850 – Rep. Harper

AN ACT

To repeal Article 5 (commencing with Section 22-6-60) of Chapter 6 of Title 22, Code of Alabama 1975; to repeal Article 3 (commencing with Section 40-26B-40) of Chapter 26B of Title 40, Code of Alabama 1975; provide for the refund to hospitals of certain payments; and to provide for disproportionate share payments due certain hospitals.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Sections 22-6-60, 22-6-61, 22-6-62, 22-6-63, and 22-6-64, Code of Alabama 1975, are repealed.

(b) Any taxes collected from or moneys transferred by a hospital pursuant to the statutes repealed in subsection (a) for the months April 1993, or thereafter, shall be refunded to such hospital by the State of Alabama within 30 days of the effective date of this act.

Section 2. (a) Sections 40-26B-40, 40-26B-41, 40-26B-42, 40-26B-43, 40-26B-44, 40-26B-45, 40-26B-46, and 40-26B-47, Code of Alabama 1975, are repealed.

(b) Any taxes collected from or moneys transferred by a hospital pursuant to the statutes repealed in subsection (a) for the months April 1993, or thereafter, shall be refunded to such hospital by the State of Alabama within 30 days of the effective date of this act.

Section 3. (a) For the purposes of this section the following words have the following meanings unless the context clearly indicates otherwise:

(1) **DISPROPORTIONATE SHARE HOSPITAL.** A hospital meeting the requirements of Section 1923 of the Social Security Act and other criteria adopted by the Alabama Medicaid Agency in its state plan for medical assistance under Title XIX of the Social Security Act.

(2) **FISCAL YEAR.** An accounting period of 12 months beginning on the first day of the first month of the state fiscal year.

(3) **HOSPITAL.** A facility, which is licensed as a hospital under the laws of the State of Alabama, provides 24-hour nursing services, and is primarily engaged in providing, by or under the supervision of doctors of medicine or osteopathy, inpatient services for the diagnosis, treatment, and care or rehabilitation of persons who are sick, injured, or disabled.

(4) **PUBLICLY-OWNED HOSPITAL.** A hospital created and operating under the authority of a governmental unit which has been established as a public corporation pursuant to Chapter 21 of Title 22 or Chapter 95 of Title 11, or a hospital otherwise owned and operated by a unit of local government.

(b) Any disproportionate share payment due a hospital shall be paid in a timely fashion. If the amount payable is not in dispute and is not paid by the Alabama Medicaid Agency within 30 days of the due date, interest on the amount due shall be charged. The interest rate shall be the legal amount currently charged by the state.

(c) In meeting its requirements under the Social Security Act that payments to hospitals will take into account the situation of

disproportionate share hospitals, the agency shall, not later than the beginning of each fiscal year, promulgate regulations establishing the total amount of funds to be appropriated for each fiscal year by the agency for reimbursement, in accordance with its approved methodology, to disproportionate share hospitals other than state-owned teaching hospitals. In no event shall the total amount of funds appropriated for reimbursement to disproportionate share hospitals in accordance with and subject to the approved methodology be less than the disproportionate cap established by the Health Care Financing Administration.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 4, 1993

Time: 6:32 P.M.

Act No. 93-315

H. 170 – Rep. Johnson

AN ACT

Amending Section 22-21-263 of the Code of Alabama 1975, exempting certain health care services of rural hospitals from one of the meanings of new institutional health services for certificate of need review process purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-21-263 of the Code of Alabama 1975, is amended to read as follows:

“§22-21-263.

“(a) All new institutional health services which are subject to this article and which are proposed to be offered or developed within the state shall be subject to review under this article. For the purposes of this article, ‘new institutional health services’ shall include any of the following:

“(1) The construction, development, acquisition through lease or purchase, or other establishment of a new health care facility or health maintenance organization.

“(2) Any expenditure by or on behalf of a health care facility or health maintenance organization which, under generally accepted accounting principles consistently applied, is a capital expenditure in excess of five hundred thousand dollars (\$500,000) for major medical equipment; in excess of five hundred thousand dollars (\$500,000) for

new annual operating costs; in excess of one million five hundred thousand dollars (\$1,500,000) for any other capital expenditure by or on behalf of a health care facility or a health maintenance organization.

“(3) A change in the existing bed capacity of a health care facility or health maintenance organization through the addition of new beds, the relocation of one or more beds from one physical facility to another, or reallocation among services existing beds through the conversion of one or more beds from one category to another within the following bed categories: general medical surgical, inpatient psychiatric, inpatient/residential alcohol and drug abuse or inpatient rehabilitation beds, or long-term care beds including skilled nursing care, intermediate care, transitional care, and swing beds.

“(4) Health services proposed to be offered in or through a health care facility or health maintenance organization, and which were not offered on a regular basis in or through such health care facility or health maintenance organization within the 12 month period prior to the time such services would be offered. Health services, other than those health services involving long-term care services, including without limitation, skilled and intermediate nursing home care, swing beds services, or transitional care services, provided directly by acute care hospitals classified as rural by the U.S. Bureau of Census/Office of Management and Budget, United States Government Health Care Financing Administration or acute care hospitals with less than 105 beds that are located over 20 miles from the nearest acute health care facility located within Alabama shall not be subject to this subdivision (4) but shall be subject to the other subdivisions of this subsection. Provided, however, that the exemption from subdivision (4) herein established shall not apply to home health services provided outside of the county in which the hospital is located.

“(b) The four conditions of ‘new institutional health services’ listed in this section shall be mutually exclusive.

“(c) Notwithstanding all other provisions of this article to the contrary, those facilities and distinct units operated by the department of mental health and mental retardation and those facilities and distinct units operating under contract or subcontract with the department of mental health and mental retardation where the contract constitutes the primary source of income to the facility shall not be subject to review under this article.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 4, 1993

Time: 6:31 P.M.

Act No. 93-316

H. 603 – Rep. Powell

AN ACT

Proposing an amendment to Amendment No. 493 to the Constitution of Alabama of 1901, pertaining only to Autauga County, to provide further for the compensation of the Judge of Probate.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

Amendment No. 493 to the Constitution of Alabama of 1901, as submitted November 8, 1988, and proclaimed ratified November 23, 1988, is amended to read as follows:

“Effective the beginning of the next term of office after ratification of this amendment, the Judge of Probate of Autauga county shall receive compensation in the form of an annual salary that shall be the amount of the minimum salary prescribed by general law. The salary shall be paid in lieu of all other fees, allowances, and percentages heretofore provided by law, and shall be paid in equal monthly installments out of the general fund in the county treasury.

“All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the Judge of Probate of Autauga county shall continue to be collected but shall be paid into the county general fund.”

Section 2. This amendment shall have no force and effect unless it shall first be approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment shall be held at the next general, special, constitutional, or county election in Autauga County. The election shall be held in accordance with Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House March 16, 1993

Passed the Senate May 4, 1993

Act No. 93-317

H. 825 – Rep. Hammett

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, relating to Covington County; providing for fire protection in the county; levying a special fire protection property tax; providing for collection of the tax; providing for disposal of funds from the tax to the fire departments and to the rescue squads; providing for expenditure and accounting of the funds; providing for treatment of funds upon dissolution or abandonment of a fire department or rescue squad; granting immunity from certain liability to the county and providing for a referendum election on the amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

The Legislature hereby declares that the fire departments and rescue squads that receive funds pursuant to this amendment are organizations which are public in nature, as they promote and protect the health, safety, and welfare of the citizens of the county.

The County Commission of Covington County shall levy and collect a special property tax, in addition to all other taxes now or hereafter provided by law, of three mills on each one dollar's worth of taxable property as assessed for the state ad valorem taxation during the preceding year. The proceeds of the additional taxes levied by this amendment shall be used exclusively for fire, emergency medical, and rescue services.

The Revenue Commissioner of Covington County shall assess the tax herein provided for, and shall collect the fire tax in the same manner and method that other ad valorem taxes are collected. The proceeds of the tax shall be paid into a special county fund. Within thirty days of payment into the special fund, the county commission shall allocate the funds among the eligible fire departments and rescue squads. The funds shall be divided equally among the eligible fire departments and rescue squads.

An eligible fire department, for purposes of this amendment, means a fire department in Covington County that maintains an ISO-approved rating of at least Class 9, is certified under the Alabama Forestry Commission guidelines, and is a member in good standing of the Covington County Firefighters Association. An eligible rescue squad, for purposes of this amendment, means a rescue squad that is certified by the Alabama Association of Rescue Squads or Emergency Medical Services.

Funds paid to eligible fire departments and rescue squads shall only be expended for fire protection and emergency medical and rescue services including training, supplies, and equipment. The funds may also be expended to purchase liability insurance to insure coverage of acts or omissions which are directly related to the functions of a fire department or rescue squad which are committed by a fire department or rescue squad or the personnel of a fire department or rescue squad. The funds may not be expended for food, drink, social activities or fund-raising activities. After receiving funds, the fire departments and rescue squads shall keep accurate records to verify that the funds were properly expended. By September 15 of each year, the fire departments and rescue squads shall file a financial statement with the Covington County Commission detailing the expenditure of all funds received from this amendment during the previous twelve months. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. The Covington County Firefighters Association shall supply the accounting forms to each eligible fire department and rescue squad. No new fire departments shall be funded within Covington County without prior approval of the Covington County Firefighters Association and the Covington County Commission and without first being certified according to Alabama Forestry Commission guidelines. New departments shall attain an ISO Class 9 rating within two years of receiving fire tax funds to remain eligible. No new rescue squads shall be funded within Covington County without prior approval of the Covington County Commission.

Upon dissolution or abandonment of any eligible fire department or rescue squad, any remaining funds derived from this amendment or any assets purchased with funds derived from this amendment shall, after all indebtedness has been satisfied, be transferred to the county commission. The funds and assets shall be reallocated by the county commission equally to the other fire departments and rescue squads. In the event there are no fire departments or rescue squads, the funds or assets shall be placed in the county general fund.

The personnel of fire departments and rescue squads provided for in this amendment shall not be considered employees, servants or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of fire departments or rescue squads.

Section 2. This amendment shall have no force and effect unless it shall first be approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment shall be held at the general election in November 1994. The election shall be held in accordance with Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House April 15, 1993

Passed the Senate May 4, 1993

Act No. 93-318

H. 855 – Reps. Knight (A), Hill

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to authorize the governing body of Shelby County to pledge certain tax proceeds to secure the payment of certain obligations of the county and to provide that any such pledge shall not cause the obligations secured thereby to constitute indebtedness of the county for purposes of Section 224, as amended, of the Constitution of Alabama of 1901.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

The governing body of Shelby County, herein called the “County”, is authorized to pledge all or a portion of the proceeds of the tax levied pursuant to the act resulting from the enactment of Senate Bill 563 or House Bill 794 introduced at the 1993 Regular Session of the Legislature of Alabama, the tax being herein called the “Special Tax” and the act being herein called the “Special Tax Act”, to secure the payment of:

(i) the principal of and the interest and premium on:

(a) any warrants of the County that were outstanding and unpaid at the time of enactment of the Special Tax Act, regardless of whether such warrants were issued as general obligations of the

County secured by a pledge of its full faith and credit or were issued as limited obligations of the County payable solely from certain specified revenues or other funds of the County; or

(b) any warrants or other obligations issued by the County or by a public corporation formed pursuant to the approval or consent of the governing body of the County to refund, in whole or in part:

(1) any warrants described in the preceding clause (a); or

(2) any warrants or other obligations issued to refund, in whole or in part, any warrants described in the preceding clause (a); or

(ii) any obligation of the County under any lease agreement or other contract heretofore or hereafter executed and delivered by the County to provide a source of payment for the principal of and the interest and premium on:

(A) any warrants of the Shelby County Public Building Authority that were outstanding and unpaid at the time of enactment of the Special Tax Act; or

(B) any warrants or other obligations issued by the County or by the Public Building Authority or by another public corporation formed pursuant to the approval or consent of the governing body of the County to refund, in whole or in part:

(I) any warrants described in the preceding clause (A); or

(II) any warrants or other obligations issued to refund, in whole or in part, any warrants described in the preceding clause (A).

The governing body of the County may make either a single pledge of the proceeds of the Special Tax or multiple pledges of such proceeds. The proceedings of the governing body providing for any such pledge of all or a portion of the proceeds of the Special Tax may specify either that such pledge shall be prior and superior to any pledge of such proceeds thereafter made or that such pledge shall be on a parity with any subsequent pledge with respect to which certain stated conditions are satisfied. Any proceeds of the Special Tax that are not needed for the payment of the obligations for which such proceeds are pledged shall be used in such manner consistent with the Special Tax Act, or any amendment thereof hereafter enacted, as the governing body of the County shall specify; provided, however, that so long as any obligations of the County described in subparagraph (i) or (ii) of the first paragraph of this amendment remain outstanding and unpaid, the proceeds of the Special Tax may not be used for any purpose other than the payment of such obligations or the establishment or replenishment of

a reserve fund or similar fund to secure the payment of any or all of such obligations.

Except for general obligations of the County for the payment of which the County has pledged its full faith and credit, no warrants or other obligations of the County for the payment of which the County hereafter pledges all or a portion of the proceeds of the Special Tax shall constitute an indebtedness of the County for purposes of Section 224 of the Constitution of Alabama of 1901, as amended by Amendment No. 342.

The Special Tax Act is ratified, approved, validated, and confirmed in all respects; provided, however, that the provisions of this amendment shall control in the event of any inconsistency between the provisions hereof and the provisions of the Special Tax Act.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment shall be held at the next general, special, constitutional, or county election in Shelby County. The election shall be held in accordance with Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House April 22, 1993

Passed the Senate May 4, 1993

Act No. 93-319

H. 416 – Reps. Walker, Mikell, Hooper

AN ACT

To propose a constitutional amendment relating to the volunteer fire departments and emergency services in Montgomery County; to provide for the levy and collection of additional special ad valorem taxes for the fire protection and emergency services and to provide for the distribution of the fee, pursuant to Amendment 425 of the Constitution of 1901.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

The Legislature declares that all volunteer fire departments, including volunteer fire departments that have emergency medical technicians that are members, are organizations that are public in nature and serve to protect the health, safety, and welfare of the citizens of Montgomery County.

In addition to all ad valorem taxes levied for fire protection, the Montgomery County Commission may levy and collect a special ad valorem tax, not to exceed two and one-half mills in any year on each dollar of assessed value of the property taxed, on property in the unincorporated area of Montgomery County for the purpose of providing fire protection in the unincorporated area of Montgomery County.

The tax provided in this act shall be levied, collected, administered, and enforced at the same time, in the same manner, and under the same requirements and laws as state ad valorem taxes. The officials collecting or assessing the tax shall be entitled to the same fees and compensation as are provided for collecting and assessing ad valorem taxes. The proceeds of the tax shall be paid into the county general fund. Within thirty days after payment into the county general fund, the Montgomery County Commission shall pay the funds to the Montgomery County Association of Volunteer Firefighters, hereafter referred to as the county association. The county association shall distribute the funds as follows:

(1) 60 percent shall be divided equally among all eligible volunteer fire departments.

(2) 30 percent shall be divided according to a percentage based upon the monies collected in a fire district compared to the total monies collected. The county association shall notify the Revenue Commissioner within 30 days after this act becomes operative of the designated fire districts. The boundaries of the fire districts may be rearranged at the discretion of the county association as they deem necessary, from time to time, to maximize fire protection services in the county.

(3) Ten percent of the money shall be designated as discretionary fund of the county association to be used for any expenditure otherwise allowable under this act.

In order to be an eligible volunteer fire department for purposes of this act, a volunteer fire department shall be in good standing with the Montgomery County Association of Volunteer Firefighters.

Funds disbursed to eligible volunteer fire departments pursuant to this act shall be expended only for fire protection and emergency medical services, including but not limited to, training, supplies, buildings, capital improvements, equipment, insurance, professional services,

and dues. The funds shall not be expended for food, drink, social activities, or fund-raising activities. After receiving the funds, the volunteer fire departments shall keep accurate records to verify that the funds are properly expended. By September 15th of each year, the department shall file a report with the county association detailing the expenditure of all funds during the previous twelve months and setting out a schedule of all proposed projects. The filing shall account for all unspent funds and whether unspent funds have been obligated. Unspent funds that have not been obligated which exceed the amount of total receipts paid to the department for the prior year from this tax shall be returned to the county association for redistribution equally among the other fire departments. The county association shall supply the accounting forms to each eligible volunteer fire department. The copy of the year-end report shall be filed with the county commission and shall be audited by the Examiners of Public Accounts of the state on the same basis as county funds are audited.

Upon dissolution or abandonment of an eligible volunteer fire department, all remaining funds derived from this act or assets purchased with the funds derived from this act shall be transferred to the county association.

Prior to the levy of the fire protection tax in the unincorporated areas of county, there shall be submitted to the electors at a special election called for that purpose in the county, the question of whether the tax shall be levied. If a majority of the qualified electors within the unincorporated area of the county who vote at the election approve the tax, the tax shall be effective and levied. If a majority of the qualified electors within the unincorporated area of the county who vote at the election do not approve the tax, the tax shall not be effective and shall not be levied.

Elections on the question of the levy of a fire protection tax in the county may be held at any time and from time to time. Notwithstanding the foregoing, if at an election held after the ratification of this amendment the proposal to levy the tax so submitted is defeated, then the proposal may not be submitted at another election held in the county within two years from the last election held under this amendment.

Section 2. This amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment shall be held at the next general, special, constitutional, or county election in Montgomery County. The election shall be held in accordance with Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House April 22, 1993

Passed the Senate May 4, 1993

Act No. 93-320

H. 893 – Rep. Anderson

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Decatur City Board of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

The Legislature may, by local act, provide for the election of the Decatur City Board of Education.

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House April 22, 1993

Passed the Senate May 4, 1993

Act No. 93-321

S. 280 – Senator Dial

AN ACT

To amend Section 30-3-61, Code of Alabama 1975, relating to income withholding orders for child support, to extend immediate income withholding to all support orders issued or modified on or after January 1, 1994, except under specified criteria.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 30-3-61, Code of Alabama 1975, is amended to read as follows:

“§30-3-61.

“(a) Any provision of section 8-5-21, to the contrary notwithstanding, any original decree, judgment, or order issued by a court of this state for the payment of support, any decree or judgment entered pursuant to a petition to modify an original decree or award of support, any decree or judgment of contempt of court for failure to pay support as previously ordered by a court of this state, or any decree or judgment for criminal or civil nonsupport shall include as a separate section a withholding order subject to subsection (c) of this section directing any employer of the obligor to withhold and pay over to the clerk of the court or the department of human resources, or its designee, whichever is appropriate, out of income due or to become due the obligor at each pay period, an amount ordered to be paid for support. The withholding order shall not under any circumstances be waived by mutual agreement of the parties to the case.

“(b) The withholding order shall recite the amount of the obligor’s continuing support obligation and shall require the withholding of the support obligation from the income due or becoming due to the obligor at each pay period and payment to the clerk of the court out of which the order is issued or the department or its designee, whichever is appropriate within 10 days of the date the obligor is paid the paycheck from which the support is withheld. Provided, if the obligor’s support obligation is ordered to be paid monthly and the obligor’s pay periods are at more frequent intervals, the employer may withhold at each pay period an amount cumulatively sufficient to equal the total monthly support obligation and pay the amount withheld at each pay period over to the clerk of the court or the department or its designee, within 10 days of the date the obligor is paid the paycheck from which the amount is withheld. The withholding order shall also recite the duty of the obligor and the employer to notify the collecting agency of any change in employment or termination of income of the obligor as provided in this article.

“(c) A withholding order issued pursuant to this section shall be a continuing order and shall remain in effect and be binding upon any employer upon whom it is served until further order of the court. Where any order of support is entered or modified, the withholding order issued pursuant to this section shall be served immediately upon the obligor’s employer and shall take effect immediately; except immediate withholding shall not be implemented in any case where one of the parties demonstrates, and the court finds, there is good cause not to require immediate income withholding, or a written agreement is reached between both parties which provides for an alternative arrangement. In such cases, income withholding shall be implemented if the absent parent fails to make payments in an amount equal to one month’s support obligation, or the absent parent requests immediate withholding, or the payee or the department requests that withholding begin and the absent parent has failed to make a payment or payments on the date(s) due.

“(d) In the event the obligor becomes delinquent in the support payments in a dollar amount equal to one or more month’s support obligation, or a withholding order entered at the request of the department was not immediately served upon the employer, or at such time as the obligor wishes to have the income withholding order served upon his employer, the obligee or the obligor may file with the clerk of the court a sworn affidavit stating the appropriate basis upon which service of the income withholding order is now being sought. Upon the filing of the affidavit and the payment of a docket fee in the same amount as is prescribed by section 12-19-75 for the filing of a garnishment proceeding, a copy of the withholding order issued pursuant to this section shall be served upon the employer pursuant to the Alabama Rules of Civil Procedure. A copy shall be served upon the obligor by first class mail. Provided, the cost of the filing shall not be prepaid if, upon the filing of an affidavit of substantial hardship, the obligee or obligor is found by the court to be incapable of prepaying the cost or if the affidavit is filed by the department or a representative of the department, but in such cases the cost of the filing shall be taxed as costs against the obligor at the time service of the order is requested and shall be withheld from the obligor’s first pay period subjected to the income withholding order. Additionally, when service upon the employer is requested by means of certified mail, the actual cost of the service shall be prepaid in all cases at the time the service is requested.”

Section 2. This act shall become effective on January 1, 1994.

Approved May 5, 1993

Time: 2:00 P.M.

Act No. 93-322

H. 424 – Reps. Penry, McMillan

AN ACT

To further provide for certain fishing licenses; to provide for a resident seven-day trip saltwater fishing license; to amend Section 3 of Act No. 92-344, H. 392, 1992 Regular Session, now appearing in Section 9-11-53.2, Code of Alabama 1975; to further provide for the fee for a resident combination saltwater-freshwater fishing license; to provide for a public fishing pier license and a saltwater pier fishing license; to amend Section 9-11-55, Code of Alabama 1975; to provide for a nonresident annual freshwater fishing license; to provide for a nonresident annual saltwater fishing license; to provide for a nonresident seven-day trip saltwater fishing license; to provide for the sale of a nonresident annual combination saltwater-freshwater fishing license; to amend Section 9-11-56, Code of Alabama 1975, to provide for a nonresident seven-day trip freshwater fishing license; to amend Section 9-12-113, Code of Alabama 1975, relating to saltwater commercial hook and line fishing and saltwater net or seine fishing, to further provide for licensing of nonresidents and to further provide for the confiscation of equipment used to fish illegally with nets and seines; and to provide penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. A person who has been a bona fide resident of this state for a period of not less than 90 days next preceding and who is age 16 through 64, who is otherwise required to obtain a resident annual saltwater fishing license pursuant to Section 9-11-53.1, Code of Alabama 1975, may, in lieu thereof, purchase a resident seven-day trip saltwater fishing license which shall entitle the person to engage in the same activities authorized under a license provided in Section 9-11-53.1, Code of Alabama 1975, but only for a one-time period of seven consecutive days or less. The cost of the license shall be five dollars (\$5), plus a one dollar (\$1) issuance fee. The license fees shall be deposited into the Marine Resources Fund. A person who violates this section is guilty of a Class C misdemeanor punishable as provided by law except that the minimum fine shall not be less than fifty dollars (\$50).

Section 2. Section 3 of Act No. 92-344, H. 392, 1992 Regular Session, now appearing in Section 9-11-53.2, Code of Alabama 1975, is amended to read as follows:

“Section 3. The Department of Conservation and Natural Resources may provide for the issuance of a resident annual combination saltwater-freshwater fishing license for a combination license fee of twenty-three dollars and fifty cents (\$23.50), with fifteen dollars (\$15) going to the Marine Resources Fund and eight dollars and fifty cents (\$8.50) going to the Game and Fish Fund. In addition, notwithstanding any provision of law to the contrary, there shall be a one dollar (\$1) issuance fee imposed for the cost of issuing the resident annual combination saltwater-freshwater license.”

Section 3. A person who has been a bona fide resident of this state for a period of not less than 90 days next preceding and who is age 16 through 64, who is otherwise required to obtain a resident annual freshwater fishing license pursuant to Section 9-11-53, Code of Alabama 1975, may, in lieu thereof, purchase a resident seven-day trip freshwater fishing license which shall entitle the person to engage in the same activities authorized under a license provided in Section 9-11-53, Code of Alabama 1975, but only for a one-time period of seven consecutive days or less. The cost of the license shall be five dollars (\$5), plus a one dollar (\$1) issuance fee. The license fees shall be deposited into the Game and Fish Fund. A person who violates this section is guilty of a Class C misdemeanor punishable as provided by law except that the minimum fine shall not be less than fifty dollars (\$50).

Section 4. (a) A person, firm, or corporation that operates a fishing pier open to the general public in the inside waters of the State of Alabama as defined by Rule 220-3-.04 of the Alabama Department of Conservation and Natural Resources, may purchase a public fishing pier license to be issued by the Marine Resources Division of the Department of Conservation and Natural Resources. The fee for a public fishing pier license shall be one thousand dollars (\$1,000) per year. Any law or regulation to the contrary notwithstanding, a resident of the State of Alabama may fish from a licensed public fishing pier in the inside waters of the State of Alabama without purchasing a fishing license. A licensed public fishing pier shall be open to the general public. This section shall not be construed to prohibit the operator of a licensed public fishing pier from charging a fee for the use of the pier.

(b) A person who has been a bona fide resident of this state for a period of not less than 90 days next preceding and who is age 16 through 64, may fish from piers open to the general public in the Gulf of Mexico or the inside waters of the State of Alabama as defined by Rule 220-3-.04 of the Alabama Department of Conservation and Natural Resources by angling with rod and reel or by use of any artificial bait, fly, or lure after purchasing an annual saltwater pier fishing license at a cost of five dollars (\$5). Alabama residents possessing a current saltwater fishing license and residents under age 16 and over age 65 are expressly exempt from the requirements of this subsection.

(c) The licenses provided for in this section may be purchased from any judge of probate, license commissioner, revenue commissioner, or other officer authorized to issue licenses upon application on forms furnished by the Division of Marine Resources of the Department of Conservation and Natural Resources and payment of the required fee for the license plus a one dollar (\$1) issuance fee.

(d) The licenses provided for in this section shall be issued on an annual basis and shall expire on July 31 of each year.

(e) Any revenue derived from the sale of these licenses shall be remitted to the Department of Conservation and Natural Resources on the first day of each month by the issuing officer and shall be deposited in the State Treasury to the credit of the Marine Resources Fund.

(f) Any violation of this section shall be a Class C misdemeanor punishable as provided by law except that the minimum fine shall not be less than fifty dollars (\$50). In addition, the punishment for a violation of subsection (a) of this section shall include an additional mandatory fine of twice the amount of the license.

Section 5. Section 9-11-55, Code of Alabama 1975, is amended to read as follows:

“§9-11-55.

“Nonresidents of the state 16 years of age or older shall not take, catch, kill or attempt to take, catch, or kill any fish in any of the fresh waters of this state without first procuring an annual nonresident freshwater fishing license which shall authorize the holder to fish in any legally available fresh waters of this state, by filing with any person authorized to issue the license an affidavit stating the applicant’s age, place of residence, and post-office address and after paying to the person issuing the license a fee of thirty dollars (\$30). The license fees for residents of the states of Florida, Georgia, Louisiana, Tennessee, and Mississippi shall be the same as the license fees charged Alabama residents for similar licenses in those states in the event the state charges Alabama residents more than Alabama charges residents from that state. Licenses shall not be required of persons properly licensed for trip fishing under section 9-11-56.

“The issuing officer or authority or special agent shall be allowed a fee of one dollar (\$1) for each license issued by him or her, which issuing fee shall be in addition to the cost of the license. In counties where the probate judge or issuing officer is on the fee system, the issuing fee shall be retained by the probate judge or issuing officer, and in counties where the probate judge or issuing officer is on a salary basis, the fee shall be paid by him or her into the county treasury to the credit of the appropriate fund.

“All of the license fees shall be deposited in the state treasury to the credit of the game and fish fund.

“Any person who violates this section is guilty of a Class C misdemeanor punishable as provided by law except that the minimum fine shall not be less than fifty dollars (\$50).

Section 6. (a) A nonresident of this state who is age 16 or older, shall not take, catch, kill, or attempt to take, catch, or kill any fish in any of the waters of this state except those waters for which a license is required by Section 9-11-53, Code of Alabama 1975, below that line defined in Rule 220-2-.42(1) of the Department of Conservation and Natural Resources as published in the Alabama Administrative Code, by angling with rod and reel or by use of any artificial bait, fly, or lure, without first procuring a nonresident saltwater fishing license. A saltwater fishing license shall not be required of a person fishing with ordinary hook and line. The cost of nonresident saltwater fishing licenses shall be as follows:

(1) A nonresident annual saltwater fishing license shall cost thirty dollars (\$30), plus a one dollar (\$1) issuance fee which shall be in addition to the cost of the license. A nonresident annual saltwater fishing license shall expire on July 31.

(2) A nonresident seven-day trip saltwater fishing license shall cost ten dollars (\$10) plus a one dollar (\$1) issuance fee which shall be in addition to the cost of the license. A nonresident seven-day trip fishing license shall authorize a nonresident to fish for a one-time period of seven consecutive days.

(b) The license fee for nonresidents who are resident of the states of Florida, Georgia, Louisiana, Tennessee, or Mississippi shall be the same as the license fee charged Alabama residents for a similar license in one of those states in the event the state charges Alabama residents more than the State of Alabama charges residents from that state.

(c) The revenue derived from the sale of the licenses provided for in this section shall be remitted to the Department of Conservation and Natural Resources on the first day of each month by the issuing officer and shall be deposited into the State Treasury to the credit of the Marine Resources Fund and shall be used in the research, management, and development of saltwater fisheries.

(d) Any person who violates this section shall be guilty of a Class C misdemeanor punishable as provided by law except that the minimum fine shall not be less than fifty dollars (\$50).

Section 7. The Department of Conservation and Natural Resources may provide for the issuance of a combination nonresident saltwater-freshwater fishing license for a combination license fee of sixty dollars (\$60), with thirty dollars (\$30) going to the Marine Resources Fund, and thirty dollars (\$30) going to the Game and Fish Fund. In addition, notwithstanding any provision of law to the contrary, there shall be a one dollar (\$1) issuance fee imposed for the cost of issuing the combination nonresident saltwater-freshwater license.

Section 8. Section 9-11-56, Code of Alabama 1975, is amended to read as follows:

“§9-11-56.

“Any nonresident of this state 16 years of age or older shall not take, catch, kill or attempt to take, catch or kill any fish in any of the fresh waters of this state for a period of seven consecutive days or less without first procuring a trip fishing license in the same manner provided for other licenses provided in this article, by paying the sum of ten dollars (\$10), which license will authorize the holder thereof to fish in any of the otherwise legally available fresh waters of this state for a period of seven days from the day the license was issued. The license fees for residents of the states of Florida, Georgia, Louisiana, Tennessee, and Mississippi shall be the same as the license fees charged Alabama residents for similar licenses in those states in the event the state charges Alabama residents more than Alabama charges residents from that state. In the event no similar license exists in any of those states, residents of the states shall not be permitted to procure a trip fishing license in the state of Alabama. The license shall not be required of persons properly licensed under section 9-11-55.

“The issuing officer or authority or special agent shall be allowed a fee of one dollar (\$1) for each license issued by him or her, which issuing fee shall be in addition to the cost of the license. In counties where the probate judge or issuing officer is on the fee system, the issuing fee shall be retained by the probate judge or issuing officer, and in counties where the probate judge or issuing officer is on a salary basis, the fee shall be paid by him or her into the county treasury to the credit of the appropriate fund.

“All of the license fee shall be deposited in the state treasury to the credit of the game and fish fund

“Any person who violates any of the provisions of this section is guilty of a Class C misdemeanor punishable as provided by law except that the minimum fine shall not be less than fifty dollars (\$50).”

Section 9. Section 9-12-113, Code of Alabama 1975, is amended to read as follows:

“§9-12-113.

“(a) Each license issued by the commissioner of conservation and natural resources or his or her authorized agent shall state the name of the applicant. If the applicant is a resident of the state of Alabama, the applicant shall pay a fee of twenty-five dollars (\$25) for commercial hook and line fishing, one hundred dollars

(\$100) on each net or seine of any kind not more than 200 fathoms in length, one hundred fifty dollars (\$150) on each seine or net of any kind over 200 but not over 400 fathoms in length, and five hundred dollars (\$500) for each purse seine. Nonresidents shall pay five hundred dollars (\$500) for each net or seine of any kind up to 200 fathoms and seven hundred fifty dollars (\$750) for each net or seine of any kind over 200 but not more than 400 fathoms except where the nonresident of the state of Alabama is a resident of a state which has a reciprocal fishing agreement with the state of Alabama. All nets and seines, except seines 25 feet or less, shall be licensed, and the licensee of the seine or net shall have the license in his or her possession. All nets and seines, except purse seines, and seines 25 feet or less, shall bear a tag showing the name and number of the licensee. A nonresident, as mentioned in this section, is defined to be any person who has not been continuously domiciled in this state for more than one year prior to the date of the issuance of the license. All licenses issued pursuant to this section shall expire on September 30 thereafter irrespective of the date of the issuance of the same. All nets and seines fished in an illegal manner, or in an illegal area, are declared to be a nuisance and may be confiscated, along with any boat, motor, or fishing gear in the violator's possession, and all of the items may be held as evidence by any agent of the department of conservation and natural resources. After conviction of the person in whose possession the device or items were found or when the operator of the device has not been determined after a period of 30 days, the device or items shall be forfeited to the department of conservation and natural resources which shall destroy or otherwise dispose of the device or items as it shall deem advisable.

All game fish taken by nets or seines under this law shall be immediately returned to the waters where they were taken with the least possible injury to the fish.

“(b) In addition to the penalties provided in subsection (a) of this section, a violation of this section shall be a Class B misdemeanor punishable as provided by law.”

Section 10. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 11. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1993

Time: 2:01 P.M.

Act No. 93-323

H. 322 – Reps. Fuller, Hawkins

AN ACT

Imposing additional fines on persons convicted of offenses involving driving under the influence and providing for administration and disposition of the proceeds from the additional fines.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Beginning October 1, 1993, in addition to all fines, fees, costs, and punishments prescribed by law, there shall be imposed or assessed an additional fine of one hundred dollars (\$100) on any conviction in any court of the state for the offense of driving under the influence as defined in Section 32-5A-191, Code of Alabama 1975.

(b) No later than 30 days after collection, proceeds from the additional fines collected under this section shall be forwarded by the officer of the court who collects the fines to the State Treasurer after five percent of the fine is deducted for administrative costs. All amounts received by the State Treasurer shall be credited to the Impaired Drivers Trust Fund created in the state treasury by Act No. 92-586.

Section 2. (a) Beginning October 1, 1994, moneys in the Impaired Drivers Trust Fund shall be distributed to the Division of Rehabilitation Services in the state Department of Education for the following purposes:

(1) As a payer of last resort for the costs of care provided in this state for citizens of this state who have survived neuro-trauma with head or spinal cord injuries. Expenditures for spinal cord injury and head injury care shall be made by the Division of Rehabilitation Services according to criteria established by the Impaired Drivers Trust Fund Advisory Board. Expenditures may include but need not be limited to, post acute medical care, rehabilitation therapies, medication, attendant care, home accessibility modification, and equipment necessary for activities of daily living.

(2) Public information, prevention education, and research coordinated by the Alabama Head Injury Foundation.

(b) The Division of Rehabilitation Services shall issue a report to the Legislature on the first day of the Regular Session of each year, summarizing the activities supported by the moneys from the additional fines levied in this act.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1993

Time: 2:02 P.M.

Act No. 93-324

H. 675 -- Reps. McClain, Freeman, Starkey,
Hammett, McDaniel, McDowell,
Hooper

AN ACT

To amend Sections 40-25-4 and 40-25-8, Code of Alabama 1975, to remove wholesale dealers who are issued a permit by the Department of Revenue from the time limits for stamp affixation, require that stamps be affixed prior to any sale, and to delete the requirement that products designated for the conduct of interstate business be kept separate from products designated for the conduct of intrastate business.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-25-4 and 40-25-8, Code of Alabama 1975, are amended to read as follows:

“§40-25-4.

“The license taxes imposed by this article shall be paid by affixing stamps in the manner and at the time herein set forth. In the case of cigars, stogies, cheroots, chewing tobacco, and like products, the stamps shall be affixed to the box or container in which or from which normally sold at retail. In the case of cigarettes, smoking tobacco, and snuff, the stamps shall be affixed to each individual package. Time allowed for affixing stamps shall be as follows: Every wholesale or retail dealer in this state, except wholesalers who are issued a permit by the Department of Revenue, shall immediately after receipt of any unstamped cigars, stogies, cheroots, chewing tobacco, cigarettes, smoking tobacco, or snuff, unless sooner offered for sale, cause the same to have the requisite denominations and amount of stamp or stamps to represent the tax affixed as stated herein, and to cause same to be cancelled by writing or stamping across the face of each stamp the registered number of such wholesaler or retailer, which shall be furnished by the department of revenue. The stamping of the cigars, stogies, cheroots, chewing tobacco, cigarettes, smoking tobacco, and snuff shall actually begin within one hour after receipt of the cigars, stogies, cheroots, chewing tobacco, cigarettes, smoking tobacco, and snuff in the premises of the wholesale or retail dealer, except wholesalers who are issued a permit by the Department of Revenue, and the stamping shall be continued with reasonable diligence by the wholesale or retail dealer until all of the unstamped cigars, stogies, cheroots, chewing tobacco, cigarettes, smoking tobacco, and snuff have been stamped and the stamps cancelled as provided by law. Wholesalers who have been issued a permit by the department shall affix the required stamps prior to any sale. Every wholesale dealer shall at the time of shipping or delivering any tobacco products as enumerated herein make a true duplicate invoice of the same which shall show full and

complete details of the sale or delivery of the taxable article, and shall retain the same subject to the use and inspection of the department of revenue, or its duly authorized agents for a period of three years. Wholesale and retail dealers shall also keep a record of purchases of all tobacco products enumerated and defined in this article and hold all books, records, and memoranda pertaining to the purchase and sale of those tobacco products open to the inspection of the department of revenue or its duly authorized agents at any and all times. Every wholesale dealer shall furnish to the department of revenue a monthly report, between the first and twentieth of each month for the preceding month, of all orders for tobacco products purchased through the wholesale dealer from without this state on a drop shipment and consigned direct to the person, firm, corporation, or association of persons ordering the tobacco products from without this state through the wholesale dealer. If, upon examination of invoices of any tobacco product sold by a wholesaler or purchased or received, or both, by a retail dealer, he or she is unable to furnish evidence to the department of revenue of sufficient stamp purchases to cover the unstamped tobaccos purchased, the prima facie presumption shall arise that the tobacco products were sold without the proper stamps affixed thereto. Any wholesaler or retailer who fails or refuses to comply with any or all of the above provisions shall be deemed a violator of this section and, upon conviction, punished by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or imprisonment in the county jail for a period of six months, either or both, at the discretion of the court.

“§40-25-8.

“Any cigarettes, smoking tobacco, cigars, stogies, cheroots, chewing tobacco, snuff, or other products taxable under this article found at any point within the state of Alabama, which the cigarettes, smoking tobacco, cigars, stogies, cheroots, chewing tobacco, snuff, or other products taxable under this article shall have been within the state of Alabama for a period of two hours, or longer, in possession of any retailer or semijobber not having affixed to the package the stamps as provided in this article, are declared to be contraband goods and may be seized by the department of revenue, or its agents or by any peace officer of the state of Alabama, without a warrant and the goods shall be delivered to the department of revenue for sale at public auction to the highest bidder after due advertisement. The department of revenue before delivering any of the goods so seized shall require the purchaser to affix the proper amount of stamps to the individual package as above defined. The proceeds of sale for any goods sold hereunder shall be turned over to the treasurer by the department of revenue as other funds collected by the department. The cost of confiscation and sale shall be paid out of the proceeds derived from the sale before making remittance to the

treasurer. Any of the goods, wares, or merchandise when offered for sale, either at wholesale or retail without the stamps having been first affixed, shall be subject to confiscation as hereinabove provided. Any vehicle, not a common carrier, used for the transportation for the purpose of sale of unstamped articles as hereinabove enumerated shall likewise be subject to confiscation and sale in the same manner as above provided for unstamped goods, wares, or merchandise. Should any unstamped tobaccos be found in any vehicle which is engaged in the sale, distribution, or delivery of taxable tobaccos, the same shall be prima facie evidence that it was there for sale."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1993

Time: 2:03 P.M.

Act No. 93-325

H. 419 – Reps. McDowell, Rockhold, Zoghby,
Gullatt, Kennedy, Bugg

AN ACT

To make the willful violation of any provision of a temporary or permanent protection order or restraining order involving domestic relations or family violence issued pursuant to the Protection From Abuse Act, Section 30-5-1 to 30-5-11, inclusive, Code of Alabama 1975, and restraining orders or injunctions in which a history of family violence or abuse is cited issued in domestic relations, family violence or juvenile courts in domestic relations or family violence cases, a Class A misdemeanor; to impose additional mandatory minimum penalties; to permit the arresting officer certain arrest powers with probable cause; to provide for an affirmative defense for lack of knowledge and burden of proof; to provide certain immunities; and to provide this act shall be construed in pari materia with Chapter 5 of Title 13A, Code of Alabama 1975, and other pertinent laws, relating to fines, sentences, and unlawful civil and criminal acts.

Be It Enacted by the Legislature of Alabama:

Section 1. This act may be cited as the "Family Violence Protection Order Enforcement Act." The purpose of this act is to provide criminal sanctions for the willful violation of certain protective or restraining orders issued in circuit, district, municipal, or juvenile courts in domestic relations or family violence cases.

Section 2. As used in this act, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:

(1) "FAMILY VIOLENCE." The definition provided in Section 15-10-3, Code of Alabama 1975, in pari materia with the definition provided for "abuse" in Sections 30-5-1 to 30-5-11, inclusive, Code of Alabama 1975.

(2) "JUDGE." The judge presiding in a court having jurisdiction over the defendant for violation of this act and shall include a duly appointed magistrate conducting initial appearances pursuant to the Alabama Rules of Criminal Procedure or Juvenile Procedure.

(3) "PROTECTION ORDER" or "RESTRAINING ORDER." Any order of a court of competent jurisdiction, whether or not located in this state, the purpose of which is to prohibit a person from committing any or all of the following acts: harass, annoy, alarm, intimidate, assault, communicate with, or otherwise bother another person. This definition shall include, but not be limited to, protection orders issued pursuant to the Protection From Abuse Act, Sections 30-5-1 to 30-5-11, inclusive, Code of Alabama 1975, and restraining orders or injunctions issued in domestic relations, family violence or juvenile cases in accordance with the Alabama Rules of Civil Procedure or the Alabama Rules of Juvenile Procedure, or both, and other applicable statutes and court rules. Restraining or protection orders not issued pursuant to the Protection From Abuse Act, Sections 30-5-1 to 30-5-11, inclusive, Code of Alabama 1975, must specify that a history of violence or abuse exists for the provisions of this act to apply.

Section 3. Any violation of this act is a Class A misdemeanor. A second conviction for violation of this act shall, in addition to any permissible fine, be punishable by a minimum of 48 hours continuous imprisonment which may not be suspended. A third, or subsequent conviction shall, in addition to any permissible fine, be punishable by a minimum sentence of 30 days imprisonment which may not be suspended.

Section 4. A peace officer may arrest any person for the violation of this act if the officer has probable cause to believe that the person has violated any provision of a valid protection order, whether temporary or permanent, which has been served on the person or of which the person has received sufficient notice that the protection order has been issued. The officer may arrest the person without a warrant although he or she did not personally see the violation. Knowledge by the officer of the existence or contents of, or both, or presentation to the officer by the complainant of, a protection order shall constitute prima facie evidence of the validity of the order.

Section 5. Lack of knowledge by the defendant of the order which was violated shall be an affirmative defense to conviction for

violating this act at trial only, but shall not affect the determination of the arresting officer in deciding to arrest. Nothing in this section shall change the burden of proof required in a criminal prosecution.

Section 6. Nothing in this act shall be construed to diminish the inherent authority of the courts to enforce their lawful orders through civil or criminal contempt proceedings.

Section 7. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 8. The provisions of this act shall be construed in pari materia with all laws which relate to punishment and sentences for any civil or criminal offense, including, but not limited to, contempt of court, domestic abuse, child abuse, family abuse, or juvenile abuse, and the punishment and sentences provided in Chapter 5 of Title 13A, Code of Alabama 1975. All laws which otherwise conflict with this act are repealed only to the extent of the conflict.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1993

Time: 2:04 P.M.

Act No. 93-326

H. 812 – Rep. Freeman

AN ACT

Amending Section 22-21-263 of the Code of Alabama 1975, exempting certain reallocation of existing health care facility beds from one category to another from one of the meanings of new institutional health services for certificate of need review process purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-21-263 of the Code of Alabama 1975, is amended to read as follows:

“§22-21-263.

“(a) All new institutional health services which are subject to this article and which are proposed to be offered or developed within the state shall be subject to review under this article. For the

purposes of this article, 'new institutional health services' shall include any of the following:

"(1) The construction, development, acquisition through lease or purchase, or other establishment of a new health care facility or health maintenance organization.

"(2) Any expenditure by or on behalf of a health care facility or health maintenance organization which, under generally accepted accounting principles consistently applied, is a capital expenditure in excess of five hundred thousand dollars (\$500,000) for major medical equipment; in excess of five hundred thousand dollars (\$500,000) for new annual operating costs; in excess of one million five hundred thousand dollars (\$1,500,000) for any other capital expenditure by or on behalf of a health care facility or a health maintenance organization.

"(3) A change in the existing bed capacity of a health care facility or health maintenance organization through the addition of new beds, the relocation of one or more beds from one physical facility to another, or reallocation among services of existing beds through the conversion of one or more beds from one category to another within the following bed categories: general medical surgical, inpatient psychiatric, inpatient/residential alcohol and drug abuse or inpatient rehabilitation beds, or long-term care beds including skilled nursing care, intermediate care, transitional care, and swing beds. Notwithstanding any provision of this subdivision to the contrary, any health care facility or health maintenance organization in which at least 65 percent of the beds are dedicated or used exclusively for acute care services, general medical surgical, or nonspecialized services may reallocate existing beds within the following specialized bed categories: inpatient psychiatric, inpatient/residential alcohol and drug rehabilitation beds, to acute care services, or general medical surgical beds without first obtaining a certificate of need from the SHPDA.

"(4) Health services proposed to be offered in or through a health care facility or health maintenance organization, and which were not offered on a regular basis in or through such health care facility or health maintenance organization within the 12 month period prior to the time such services would be offered.

"(b) The four conditions of 'new institutional health services' listed in this section shall be mutually exclusive.

"(c) Notwithstanding all other provisions of this article to the contrary, those facilities and distinct units operated by the department of mental health and mental retardation and those facilities and distinct units operating under contract or subcontract with the department of mental health and mental retardation where

the contract constitutes the primary source of income to the facility shall not be subject to review under this article.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1993

Time: 2:05 P.M.

Act No. 93-327

H. 3 – Rep. Carothers

AN ACT

To provide for certain crimes and offenses relating to animals and research, agricultural, or educational facilities relating to animals; and to provide penalties, restitution, and injunctive relief.

Be It Enacted by the Legislature of Alabama:

Section 1. The Legislature has found and determined that there has been an increasing number of illegal acts committed against animal research and production facilities involving injury to humans or animals, criminal trespass, and damage to property. These acts not only abridge the property rights of the owner of the facility, they also damage the public interest by jeopardizing crucial scientific, biomedical, or agricultural research or production. These actions can also threaten the public safety by exposing communities to serious public health concerns and may substantially disrupt or damage research.

Therefore, it is in the interest of the people of the State of Alabama to protect the welfare of humans and animals as well as productive use of public funds to prohibit unauthorized possession, alteration, or destruction of agricultural, educational, or research records, equipment, and animals.

Section 2. The following words and phrases when used in this act shall have the following meanings:

(1) **ANIMAL.** Every living creature, domestic or wild, with the exception of man.

(2) **ANIMAL FACILITY.** Any facility engaging in scientific research, education, or agricultural production of or involving the use of animals including any organization with a primary purpose of representing livestock production or processing, any organization

with a primary purpose of promoting or marketing livestock or livestock products, any person licensed to practice veterinary medicine, and any organization with a primary purpose of representing any of the above. "Animal facility" shall include the owner, operator, and employees of any animal facility and any premises where animals are located.

Section 3. (a) It shall be unlawful for any person or persons:

(1) To intentionally release, steal, or otherwise cause the loss of any animal from an animal facility without the consent of the owner.

(2) To damage, vandalize, or steal any property on or from an animal facility.

(3) To obtain access to an animal facility by false pretenses for the purpose of performing acts not authorized by that facility.

(4) To break and enter into any animal facility with the intent to destroy, alter, duplicate, or obtain unauthorized possession of records, data, materials, equipment, or animals.

(5) To knowingly obtain control by theft or deception that is unauthorized or to exert control that is unauthorized over records, data, materials, equipment, or animals of any animal facility for the purpose of depriving the rightful owner or facility of records, materials, data, equipment, or animals.

(6) To possess or use records, materials, data, equipment, or animals, or in any way to copy or reproduce records or data of an animal facility knowing or reasonably believing that the records, materials, data, equipment, or animals have been obtained by theft or deception or without authorization of the rightful owners or administrators of the animal facility.

(7) To enter or remain on an animal facility with the intent to commit an act prohibited under this act.

(b) Any person who violates any provision of this act shall, on conviction, be fined not more than fifty dollars (\$50.00).

Section 4. Any person convicted of a violation of this act shall also be required by the court to make full restitution to the owner or operator of the animal facility for any reasonable costs of replacing materials, data, equipment, animals, and records that may have been damaged, destroyed, lost, or cannot be returned, and also the reasonable cost of repeating any experimentation that may have been interrupted or invalidated as a result of any violation of this act.

Section 5. Notwithstanding any remedy available at law, any owner or operator of an animal facility may apply to the circuit court of the county where the animal facility is located for a temporary restraining order and an injunction to restrain any person, organization, or association from committing any violation of this act.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1993

Time: 2:06 P.M.

Act No. 93-328

H. 227 – Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Elyton Recovery Center for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1994, there is hereby appropriated to the Elyton Recovery Center from the State General Fund the sum of Sixty-six thousand five hundred nine dollars (\$66,509).

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1993-94, an operations plan for fiscal year 1993-94 and an audited financial statement for all operations during fiscal year 1991-92 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1993-94 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1993.

Approved May 5, 1993

Time: 2:07 P.M.

Act No. 93-329

H. 249 – Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Alabama Mining Museum for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1994, there is hereby appropriated to the Alabama Mining Museum from the State General Fund the sum of Forty-eight thousand four hundred dollars (\$48,400).

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1993-94, an operations plan for fiscal year 1993-94 and an audited financial statement for all operations during fiscal year 1991-92 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1993-94 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1993.

Approved May 5, 1993

Time: 2:08 P.M.

Act No. 93-330

H. 260 – Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Beacon House – Jasper for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1994, there is hereby appropriated to the Beacon House – Jasper from the State General Fund the sum of Forty-four thousand three hundred thirty-nine dollars (\$44,339).

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1993-94, an operations plan for fiscal year 1993-94 and an audited financial statement for all operations during fiscal year 1991-92 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1993-94 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1993.

Approved May 5, 1993

Time: 2:09 P.M.

Act No. 93-331

S. 243 – Senators Little, deGraffenried
and Waggoner

AN ACT

Relating to two- and four-year state institutions of higher education and state vocational and technical colleges; to require those institutions and colleges to provide college bookstore retailers a written listing of textbooks, publications, and academic materials that will be used in courses of study offered by the institutions or colleges within two business days of the time the information is supplied to bookstores owned or authorized by the institutions or colleges; create a grievance committee within the institutions and colleges to hear complaints; and require faculty and academic departments to provide written listings of required and optional textbooks, required academic learning materials, and custom publications for all courses taught.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Not later than July 15, 1993, all two- and four-year state institutions of higher education and all state vocational and technical colleges shall, with the input and representation from college bookstore retailers, develop, publish, and implement a plan to ensure that all established college bookstore retailers located in the municipality in which the institution or college is located, shall be provided the same information concerning required and optional textbooks, required academic learning materials, and required custom publications that is provided to any bookstore owned or authorized by the institution.

(b) The plan developed by each institution or college having a bookstore owned or authorized by the institution or college shall:

(1) Ensure that any established college bookstore retailers having retail outlets in the municipality be informed of the method by which they may obtain required and optional textbooks and required academic learning materials. The information shall be provided, upon request, at a central location.

(2) Ensure that textbook information be made available to the college bookstore retailers by a procedure that attempts to give the information to the bookstores owned or authorized by the institutions and colleges and the college bookstore retailers at approximately the same time, but under no circumstances later than two business days after the time it is provided to the bookstores authorized or operated by colleges or institutions.

(3) Ensure that faculty members of the institution or college provide all information necessary in reproducing customized publications for classroom use. This information shall be provided in bibliographic form that shall include, but not be limited to, the author, title, publisher, editor, ISBN number, if known, and inclusive pages

to be reproduced. This custom published biographical information shall be provided in the same manner as textbook information is provided at each institution. College bookstore retailers may purchase and resell course-related publications that are published by the institution or college at a discount if a margin is added to the publication, or at cost if not added to the publication, only if the institution's or college's copyright agreement legally covers such a sale.

(4) Create a grievance committee composed of two persons designated by the president of the institution or college and one person designated by the chair of the local chamber of commerce to hear complaints from the college bookstore retailers concerning the implementation of the plan.

Section 2. To facilitate this act, all faculty members and academic departments shall provide through the established means of the institution or college a written listing of all required and optional textbooks, required academic learning materials, and custom publications for all courses taught.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1993

Time: 2:10 P.M.

Act No 93-332

H. 633 – Rep. Mathis

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Dothan City Board of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

The Legislature may, by local act, provide for the election of the Dothan City Board of Education.

This amendment shall not become operative unless it is approved by a majority of the qualified electors of the City of Dothan who vote thereon upon its submission.

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House March 11, 1993

Passed the Senate May 5, 1993

Act No. 93-333

H. 715 – Reps. Carothers, Beasley, Mathis

AN ACT

Proposing an amendment to the Constitution of 1901; relating to legalizing certain operations of bingo games for prizes or money for charitable or educational purposes when all the requirements of Amendment 425 to the Constitution of 1901, are fulfilled.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

The operation of bingo games for prizes or money by certain nonprofit organizations and certain private clubs for charitable, educational, or other lawful purposes shall be legal in Houston County, subject to any resolution or ordinance by the county commission as provided by law regulating the operation of bingo. The

county commission may promulgate rules and regulations for issuing permits or licenses and for operating bingo games within the county jurisdiction. The county commission shall insure compliance pursuant to any ordinance and the following:

(1) No person under the age of 19 shall be permitted to play any game or games of bingo, unless accompanied by a parent or guardian. No person under the age of 19 shall be permitted to conduct or assist in the conduct of any game of bingo.

(2) Except for special permit holders, no bingo permit or license shall be issued to any nonprofit organization or qualified private club, unless the organization or club shall have been in existence for at least five years and owned real property in the county for five years immediately prior to issuing the permit or license, except the following:

a. A fraternal, or benevolent, or charitable organization which qualifies as an exempt organization under Section 501(c) of the Internal Revenue Code.

b. A private club with annual membership dues of three hundred dollars (\$300) or more.

(3) Bingo games shall be operated only on the premises owned or leased by the nonprofit organization or club operating the bingo game. If the premises are leased, the rate or rental shall not be based on a percentage of receipts or profits resulting from operating the bingo games.

(4) No nonprofit organization or club shall enter into any contract with any individual, firm, association, or corporation to have the individual or entity operate bingo games or concessions on behalf of the nonprofit organization or club. No nonprofit organization or club may pay consulting fees, any compensation or salary to any individual or entity for any services performed relating to operating or conducting any bingo game.

(5) A nonprofit organization or club shall not lend its name or allow any other person or entity to use its identity in operating or advertising a bingo game in which the nonprofit organization or club is not directly and solely operating the bingo game or concessions.

(6) Prizes given by any qualified nonprofit organization or qualified private club for playing bingo games shall not exceed the cash amount or gifts of equivalent value, set by the Legislature, during any bingo session. The Legislature shall set a maximum amount for any calendar week.

(7) One hundred percent of the net revenues derived from operating bingo games shall be designated and expended for charitable or educational purposes.

(8) No person, or organization, or club, by whatever name or composition, shall take any expenses for operating a bingo game except as permitted by law.

Section 2. This amendment shall have no force and effect unless it shall first be approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment shall be held only in Houston County at the next general, special, constitutional, or county election in that county. The election shall be held in accordance with Amendment 425 to the Constitution of Alabama of 1901, and the general election laws of this state. Upon ratification, this constitutional amendment shall become self-executing, but the Legislature may by general, special, or local act adopt laws supplemental to this amendment in furtherance of the general purposes and objects provided in this amendment.

CONSTITUTIONAL AMENDMENT

Passed the House as amended April 22, 1993

Passed the Senate May 5, 1993

Act No. 93-334

S. 421 – Senators Mitchell and Bailey

AN ACT

Relating to in-home services and equipment to persons with a developmental disability and families having a person with a developmental disability; to create the Individual and Family Support Program to provide those services and equipment; and to make the act effective October 1, 1993, and to provide that the act shall continue after October 1, 1997, only if continued by an act of the Legislature.

Be It Enacted by the Legislature of Alabama:

Section 1. The following definitions shall apply to this act:

(a) **ADULT.** An individual eighteen years of age or older with a developmental disability.

(b) **AGENCY.** Any public state agency, including but not limited to, the Department of Mental Health and Mental Retardation, Department of Public Health, and Department of Education.

(c) **CHILD.** An individual under the age of eighteen who has a developmental disability or who is at risk for a developmental disability. A child under the age of six is considered at risk for a developmental disability if the child has substantial developmental delay or specific congenital or acquired condition that has a high probability of resulting in a developmental disability if services are not provided.

(d) **COMMUNITY COUNCIL.** A local council composed of people with a developmental disability and their family members who supervise the implementation of the program in its designated community consistently with the policies and procedures of the regional council.

(e) **DEVELOPMENTAL DISABILITY.** A severe chronic disability of a person that:

(1) Is attributable to a mental or physical impairment or a combination of mental and physical impairments.

(2) Is manifested before the person attains the age of 22.

(3) Is likely to continue indefinitely.

(4) Results in a substantial functional limitation in three or more of the following major life activities:

a. Capacity for independent living.

b. Economic self-sufficiency.

c. Learning.

d. Mobility.

e. Receptive and expressive language.

f. Self care.

g. Self-direction.

(5) Reflects a need of the person for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended durations and are individually planned and coordinated.

(f) **FAMILY.** The person or persons with whom the person with a developmental disability resides and who is primarily responsible for the physical care, health, and nurturing of the individual with a developmental disability. The term does not include hospitals, sanitariums, nursing homes, group homes, or any other similar institution.

(g) **FINANCIAL ASSISTANCE.** A monetary payment to an eligible person with a developmental disability and the family of a

child with a developmental disability needed to defray the cost of social services related to the disability. Financial assistance includes, but is not limited to, cash subsidies, cash allowances, cash vouchers or reimbursement to enable eligible persons to acquire social services or medical services.

(h) **INDIVIDUAL AND FAMILY SUPPORTS.** Goods, services, and financial assistance to an individual with a developmental disability or the family of such an individual that are provided to meet the goals of: (1) Providing a quality of life comparable to the extent practicable, to that of similarly situated individuals not having a developmental disability and families not having an individual with a developmental disability; and (2) preventing premature or inappropriate out-of-home placement. Individual and family support includes, but is not limited to the following:

- (1) Communication services.
- (2) Counseling services.
- (3) Crisis intervention.
- (4) Day care.
- (5) Dental and medical care that are not otherwise covered.
- (6) Equipment and supplies.
- (7) Financial assistance.
- (8) Home and vehicle modifications.
- (9) Home health services.
- (10) Homemaker services.
- (11) Parent education and training.
- (12) Personal assistance services.
- (13) Recreation.
- (14) Respite care.
- (15) Self-advocacy training.
- (16) Service coordination.
- (17) Specialized diagnosis and evaluation.
- (18) Specialized nutrition and clothing.
- (19) Specified utility costs.
- (20) Therapeutic and nursing services.
- (21) Transportation.

(22) Vocational and employment supports.

(i) **PROGRAM.** The Individual and Family Support Program created in Section 2 of this act.

(j) **REGIONAL SUPPORT COUNCIL.** A regional council composed of people with developmental disability and their family members that supervise the implementation of the program in its designated region.

Section 2. (a) The Individual and Family Support Program is created and shall be administered through a system of regional support councils and their affiliated community councils. One regional support council is created and incorporated as a private nonprofit corporation in each of the five mental retardation regions as defined by the department. The regional support councils and their affiliated community councils may receive and accept funds, real estate, and other items of value from state agencies and other organizations, and enter into any necessary agreements and contracts for the purposes of implementing this act.

(b) The following principles shall be adhered to in developing programs to support individuals with developmental disabilities and their families:

(1) Individuals with developmental disabilities and their families are best able to determine their own needs and should be empowered to make decisions concerning necessary, desirable, and appropriate services.

(2) Families should receive the support necessary to care for their children at home.

(3) Family support should be responsive to the needs of the entire family unit.

(4) Supports should be sensitive to the unique needs and strengths of individuals and families.

(5) Supports should build on existing social networks and natural sources of support.

(6) Supports may be needed throughout the lifespan of the individual who has a developmental disability.

(7) Supports should encourage the integration of people with developmental disabilities into the community.

(8) Support services should be flexible enough to accommodate unique needs of individuals and families as they evolve over time.

(9) Support services should be consistent with the cultural preferences and orientations of individuals and families.

(10) Support services should be comprehensive and coordinated across the agencies that provide resources and services, or both, to individuals and families.

(11) Family, individual, and community-based services should be based on the principles for sharing ordinary places, developing meaningful relationships, learning things that are useful, and making choices, as well as increasing the status and enhancing the reputation of the people served.

(12) Supports should be developed in the state that are necessary, desirable, and appropriate to support individuals and families.

(13) Developmental disabilities programs and policies should enhance the development of the individual with a developmental disability and the family.

(14) A comprehensive, coordinated system of supports to families effectively uses existing resources and minimizes gaps in supports to families and individuals in all areas of the state.

(15) Service coordination is a goal-oriented process for coordination of the range of services needed and wanted by persons with developmental disabilities and their families, and is independent of service provision.

(c) State agencies and departments may enter into agreements, contracts, or grants with regional or affiliated community councils, families, caregivers, or individuals with a developmental disability to purchase or provide individual and family support.

Section 3. (a) Each regional support council shall be composed solely of individuals with developmental disabilities and their family members. Membership shall not exceed fifteen members per council. Membership shall be distributed equitably throughout the geographic region and shall be representative of the prevalent developmental disabilities.

(b) Approximately one-half of the initial members of each council shall be appointed for a two-year term, and the remaining initial members shall be appointed for a three-year term, by the Executive Committee of the Alabama Developmental Disabilities Planning Council from nominations solicited from individuals, advocacy groups, and public and private agencies and organizations serving persons with developmental disabilities. Successor members to fill expiring terms shall be made by the Regional Councils for a term of three years each.

(c) The members of each council shall serve on a voluntary basis, but reimbursement may be made for expenses incurred in council participation.

(d) The councils shall adopt, subject to the approval of the State Support Council, policies and procedures within its respective region regarding:

(1) Development of a planning process that includes collection and evaluation of data and requests for the program that is coordinated with other service planning efforts.

(2) Development of appropriation requests for individual and family support within the region.

(3) Fiscal accountability procedures, including provisions for an annual independent audit.

(4) Program specifications for the region that shall include, but not be limited to, the following:

a. Criteria for allocation of funds to individuals, families, and support programs.

b. Eligibility determination for persons with developmental disabilities and families with whom an individual with a developmental disability resides.

c. Methodologies for allocating resources to individuals and families within the funds available.

(5) Coordination of the individual and family support program and the use of its funds equitably throughout the region, with other publicly funded programs, including, but not limited to, Medicaid.

(6) Resolution of grievances and complaints filed pertaining to actions of the individual and family support program, and an appeals process.

(7) Quality assurance and quality improvement guidelines that include, at a minimum, a measurement of the extent of consumer and family satisfaction with the services and support of the program.

(8) Annual evaluation of services, including, but not limited to, consumer satisfaction.

(9) Development of a constitution, bylaws, and a Council Code of Ethics.

(10) Appointment of the initial members to the Community Support Council.

(e) The council shall meet at least quarterly.

(f) (1) The council may dispense financial assistance and individual and family support to eligible persons who have developmental disabilities, and to eligible families of those persons. Any financial

assistance provided to individuals or families pursuant to this act based on funds provided by the Department of Mental Health and Mental Retardation shall be made in compliance with rules promulgated by the department.

(2) The council may also choose to fund support programs operated by local agencies.

(g) The council may employ adequate staff personnel to implement the program in its region.

Section 4. (a) Each Regional Council shall assist in the development of local area affiliate councils within its region, to be known as Community Support Councils, for the purpose of implementing the Individual and Family Support program at the local community level.

(b) Each Community Council shall be composed solely of people with disabilities and their family members. Initial appointments to the Community Council, terms of membership, and other membership criteria shall be determined by the Regional Council in that region. Successor members shall be appointed by the respective Community Councils. Membership shall be distributed equitably throughout the local community area and shall be representative of the prevalent developmental disabilities.

(c) Each Community Council shall perform the following duties:

(1) Determine specific eligibility criteria within the broad criteria set by the Regional Council.

(2) Receive applications for support funding from individuals, families, and service programs, and select recipients.

(3) Authorize and disburse funding for approved recipients within the funds available.

(4) Collect and evaluate support data, including consumer and family satisfaction, for planning purposes, and coordinate with other local and regional service planning efforts.

(5) Adhere to the constitution and bylaws as developed by the Regional Council.

Section 5. The State Support Council is created and shall be composed of two representatives from each regional support council. The State Support Council shall provide a forum for guiding development of a statewide support system reflecting the experiences and needs of each region. The State Support Council shall make an annual report to the Legislature that includes an evaluation of the program and recommendations for future policy in individual and

family supports. The report shall also be distributed to the Governor for dissemination to state agencies.

Section 6. The local, regional, and state plans for individual and family supports developed by each community and regional council and the state support council shall be developed in conjunction with the regional planning process of the Division of Mental Retardation of the Department of Mental Health and Mental Retardation. These plans and accompanying proposed budgets shall be considered by the Commissioner of the Department of Mental Health and Mental Retardation in the department's budget request that is annually submitted to the Governor's office.

Section 7. (a) Nothing contained in this act shall limit, restrict, or alter the provisions of Chapter 51 of Title 22, Code of Alabama 1975, regarding regional mental health programs and facilities.

(b) Nothing contained in this act shall limit, restrict, or alter the provisions of Chapter 50 of Title 22, Code of Alabama 1975.

Section 8. (a) Individual and family support is complimentary to, but not supplemental to, other assistance or benefits available through other public or private assistance programs.

(b) Financial assistance, or the value of goods or services provided to eligible individuals or families shall not be deemed as income for any purpose, and is exempt from all state and local taxation and reporting.

(c) Financial assistance shall not be alienable by sale, assignment, garnishment, executions, or otherwise.

(d) The individual or family recipient shall decide how financial assistance is used subject to the following:

(1) The family or individual recipient shall submit an annual report stating generally how the assistance was used.

(2) The family or individual recipient shall report promptly any event or condition affecting continued eligibility for support including, but not limited to:

- a. Death of a family member.
- b. Death of the responsible family adult.
- c. Placement outside the home.
- d. Change of state of residence.

Section 9. This act shall become effective October 1, 1993 and shall remain in effect until October 1, 1997, unless continued beyond that date by an act of the Legislature.

Approved May 5, 1993

Time: 4:00 P.M.

Act No. 93-335 S. 371 – Senators Owens, Ellis, Amari, Waggoner, deGraffenried, Wilson, Bennett, Little, Hale, and Ghee

AN ACT

To amend Section 16-54-18, Code of Alabama 1975, to provide for the transfer of certain proceeds and interest to the University of Montevallo Restricted Endowment Fund.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 16-54-18, Code of Alabama 1975, is amended to read as follows:

“§16-54-18.

“On May 19, 1980, the treasurer of the state shall pay to the treasurer of the University of Montevallo the whole amount of the fund in the treasury generated by proceeds from both federally granted and other lands dedicated to the benefit of the University of Montevallo. These funds shall be deposited into the University of Montevallo restricted endowment fund.

“On October 1, 1996, and on October 1 of each of the next four fiscal years, the State Treasurer shall pay to the treasurer of the University of Montevallo one-fifth of the remaining principal sum of proceeds not heretofore transferred, which were derived and generated from the sales of federal lands granted by the United States Congress to the State of Alabama for the express support of the University of Montevallo, together with a sum of accumulated deferred interest as specified below. Within 90 days of the effective date of this act, the Governor, Director of Finance, and State Treasurer shall certify and determine the principal sum of all proceeds from sales of the federal and other lands, and the remaining principal sum not heretofore transferred and upon which the state has been and is paying interest at the rate of six percent per annum. They shall also determine and certify the sum of accumulated deferred interest, being the net difference arising from interest paid by the State Treasury to the University on the principal sum of all proceeds from sale of federal and other lands and the total interest which would have been paid at a rate equal to the highest rate paid to any public institution of higher education in Alabama upon endowments created from land sales and held by the State Treasury. The sums transferred shall be deposited in the University of Montevallo Restricted Endowment Fund, and there held inviolate, it being the purpose and intent of the State of Alabama to execute in good faith the trust reposed in it by the United States Congress when granting lands to the State for the benefit of the institution.

“Upon the remaining principal sum not heretofore transferred and on the accumulated deferred interest, there shall be paid interest at a rate equal to the highest rate paid to any public institution of higher education in Alabama upon endowments created from land sales and held by the State Treasury, not to exceed eight percent per annum. Interest payments on the amounts transferred under this act shall be computed and paid and shall cease upon the transfer of the amounts to the University of Montevallo Restricted Endowment Fund.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 5, 1993

Time: 4:15 P.M.

Act No. 93-336

S. 550 – Senators Dixon and Langford

AN ACT

To propose a constitutional amendment relating to the volunteer fire departments and emergency services in Montgomery County; to provide for the levy and collection of additional special ad valorem taxes for the fire protection and emergency services and to provide for the distribution of the fee, pursuant to Amendment 425 of the Constitution of 1901.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled.

PROPOSED AMENDMENT

The Legislature declares that all volunteer fire departments, including volunteer fire departments that have emergency medical technicians that are members, are organizations that are public in nature and serve to protect the health, safety, and welfare of the citizens of Montgomery County.

In addition to all ad valorem taxes levied for fire protection, the Montgomery County Commission may levy and collect a special ad valorem tax, not to exceed two and one-half mills in any year on each dollar of assessed value of the property taxed, on property in the unincorporated area of Montgomery County for the purpose of providing fire protection in the unincorporated area of Montgomery County.

The tax provided in this act shall be levied, collected, administered, and enforced at the same time, in the same manner, and under the same requirements and laws as state ad valorem taxes. The officials collecting or assessing the tax shall be entitled to the same fees and compensation as are provided for collecting and assessing ad valorem taxes. The proceeds of the tax shall be paid into the county general fund. Within thirty days after payment into the county general fund, the Montgomery County Commission shall pay the funds to the Montgomery County Association of Volunteer Firefighters, hereafter referred to as the county association. The county association shall distribute the funds as follows:

(1) 60 percent shall be divided equally among all eligible volunteer fire departments.

(2) 30 percent shall be divided according to a percentage based upon the monies collected in a fire district compared to the total monies collected. The county association shall notify the Revenue Commissioner within 30 days after this act becomes operative of the designated fire districts. The boundaries of the fire districts may be rearranged at the discretion of the county association as they deem necessary, from time to time, to maximize fire protection services in the county.

(3) Ten percent of the money shall be designated as discretionary fund of the county association to be used for any expenditure otherwise allowable under this act.

In order to be an eligible volunteer fire department for purposes of this act, a volunteer fire department shall be in good standing with the Montgomery County Association of Volunteer Firefighters.

Funds disbursed to eligible volunteer fire departments pursuant to this act shall be expended only for fire protection and emergency medical services, including but not limited to, training, supplies, buildings, capital improvements, equipment, insurance, professional services, and dues. The funds shall not be expended for food, drink, social activities, or fund-raising activities. After receiving the funds, the volunteer fire departments shall keep accurate records to verify that the funds are properly expended. By September 15th of each year, the department shall file a report with the county association detailing the expenditure of all funds during the previous twelve months and setting out a schedule of all proposed projects. The filing shall account for all unspent funds and whether unspent funds have been obligated. Unspent funds that have not been obligated which exceed the amount of total receipts paid to the department for the prior year from this tax shall be returned to the county association for redistribution equally among

the other fire departments. The county association shall supply the accounting forms to each eligible volunteer fire department. The copy of the year-end report shall be filed with the county commission and shall be audited by the Examiners of Public Accounts of the state on the same basis as county funds are audited.

Upon dissolution or abandonment of an eligible volunteer fire department, all remaining funds derived from this act or assets purchased with the funds derived from this act shall be transferred to the county association.

Prior to the levy of the fire protection tax in the unincorporated areas of county, there shall be submitted to the electors at a special election called for that purpose in the county, the question of whether the tax shall be levied. If a majority of the qualified electors within the unincorporated area of the county who vote at the election approve the tax, the tax shall be effective and levied. If a majority of the qualified electors within the unincorporated area of the county who vote at the election do not approve the tax, the tax shall not be effective and shall not be levied.

Elections on the question of the levy of a fire protection tax in the county may be held at any time and from time to time. Notwithstanding the foregoing, if at an election held after the ratification of this amendment the proposal to levy the tax so submitted is defeated, then the proposal may not be submitted at another election held in the county within two years from the last election held under this amendment.

Section 2. This amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment shall be held at the next general, special, constitutional, or county election in Montgomery County. The election shall be held in accordance with Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the Senate April 27, 1993

Passed the House May 5, 1993

Act No. 93-337

S. 559 – Senator Hale

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to provide for the election of the Cullman City Board of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

The Legislature may by local act provide for the election of the Cullman City Board of Education.

Section 2. This amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment shall be held at the next general, special, constitutional, or county election in Cullman County. The election shall be held in accordance with Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the Senate April 27, 1993

Passed the House May 5, 1993

Act No. 93-338

H. 878 – Reps. Poole, Parker (T), Layson,
Melton, Cagle

AN ACT

Relating to Tuscaloosa County; to provide the procedure for members of the Tuscaloosa County Board of Registrars to be covered under the Tuscaloosa County Health Insurance Plan; to provide for the payment of the premiums for members of the board; and to require the Tuscaloosa County Health Insurance Board to promulgate rules and regulations required for the effective administration of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. During their term of office members of the Tuscaloosa County Board of Registrars, and their dependents, shall be eligible for coverage under the Tuscaloosa County Health Insurance Plan. Upon expiration of their term of office, members of the board may continue the coverage for a maximum of 36 months.

Section 2. The premiums for the insurance coverage for the members of the Tuscaloosa County Board of Registrars and their dependants shall be paid as the premiums for the other insured county employees.

Section 3. The Tuscaloosa County Health Insurance Board shall promulgate rules and regulations required for the effective administration of this act.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1993

Time: 2:55 P.M.

Act No. 93-339

H. 902 – Rep. Clark (J)

AN ACT

Relating to Barbour County; authorizing the county commission to levy an additional one cent sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; prescribing penalties and fixing punishment for violation of this act; providing for a referendum; and providing for a termination date.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall only apply to Barbour County.

Section 2. As used in this act, state sales and use tax means the tax imposed by the state sales and use tax statutes, including, but not limited to, Sections 40-23-1, 40-23-2, 40-23-3, 40-23-4, 40-23-60, 40-23-61, 40-23-62, and 40-23-63 of the Code of Alabama 1975.

Section 3. The County Commission of Barbour County may, in its discretion, levy, in addition to all other taxes, including, but

not limited to, municipal gross receipts license taxes, a one cent privilege license tax against gross sales or gross receipts. Notwithstanding the foregoing, the amount of the tax authorized to be levied pursuant to this act upon each person, firm, or corporation engaged in the business of selling at retail machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property, and any parts of such machines or any motor vehicle, truck trailer, semitrailer, or house trailer shall be one of one percent of the sales price. Provided, however, when any used motor vehicle, truck trailer, semitrailer, or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax authorized to be levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

The gross receipts of any business and the gross proceeds of all sales which are presently exempt under the state sales and use tax statutes are exempt from the tax authorized by this act.

Section 4. The tax levied by the county commission pursuant to this act shall be collected by the State Department of Revenue or otherwise as provided by resolution of the Barbour County Commission at the same time and in the same manner as state sales and use taxes are collected. On or prior to the date the tax is due, each person subject to the tax shall file with the department a report in the form prescribed by the department. The report shall set forth, with respect to all sales and business transactions that are required to be used as a measure of the tax levied pursuant to this act, a correct statement of the gross proceeds of all the sales and gross receipts of all business transactions. The report shall also include items of information pertinent to the tax as the department may require. Any person subject to the tax levied pursuant to this act may defer reporting credit sales until after their collection, and in the event the person defers reporting them, the person shall thereafter include in each monthly report all credit collections made during the preceding month, and shall pay the tax due at the time of filing the report. All reports filed with the department under this section shall be available for inspection by the county commission, or its designee.

Section 5. Each person engaging or continuing in a business subject to the tax levied pursuant to this act, shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer because of the sale or admission. It shall be unlawful for any person subject to the tax to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount required to be added to the sale or admission price. It shall be unlawful for any person subject to the tax levied pursuant to this

act to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption or refund of any portion of the tax.

Section 6. The tax levied pursuant to this act shall constitute a debt due Barbour County. The tax, together with any interest and penalties, shall constitute and be secured by a lien upon the property of any person from whom the tax is due or who is required to collect the tax. The department shall collect the tax, enforce this act, and have and exercise all rights and remedies that the state or the department has for collection of the state sales and use tax. The department may employ special counsel as is necessary to enforce collection of the tax levied pursuant to this act and to enforce this act. The department shall pay the special counsel any fees it deems necessary and proper from the proceeds of the tax collected by it for Barbour County.

Section 7. All provisions of the state sales and use tax statutes with respect to the payment, assessment, and collection of the state sales and use tax, making of reports, keeping and preserving records, penalties for failure to pay the tax, promulgating rules and regulations with respect to the state sales and use tax, and the administration and enforcement of the state sales and use tax statutes which are not inconsistent with this act shall apply to the tax levied pursuant to this act. The State Commissioner of Revenue and the department shall have and exercise the same powers, duties, and obligations with respect to the tax levied pursuant to this act that are imposed on the commissioner and department by the state sales and use tax statutes. All provisions of the state sales and use tax statutes that are made applicable by this act to the tax levied pursuant to this act, and to the administration and enforcement of this act, are incorporated by reference and made a part of this act as if fully set forth herein.

Section 8. The department shall charge Barbour County for collecting the tax levied pursuant to this act in an amount or percentage of total collections as may be agreed upon by the commissioner and the Barbour County Commission. The charge shall not exceed five percent of the total amount of the tax collected in the county. The charge may be deducted each month from the gross revenues from the tax before certification of the amount of the proceeds due Barbour County for that month. The Commissioner of Revenue shall pay into the State Treasury all amounts collected under this act, as the tax is received by the department on or before the first day of each successive month. The commissioner shall certify to the State Comptroller the amount collected and paid into the State Treasury for the benefit of Barbour County during the month immediately preceding the certification. The State Comptroller shall issue a warrant each month payable to the

County Treasurer of Barbour County in an amount equal to the certified amount which shall be paid into the county general fund to be used for the construction and equipping a new county jail.

Upon the expiration of four years from the first levy of this tax by the Barbour County Commission, the tax levied pursuant to this act shall terminate and the provisions of this act and the tax shall automatically become null and void.

Section 9. This act shall be inoperative and void unless it is approved by a majority of the qualified electors of the county who vote thereon at a special election held for that purpose. The election shall be held and conducted as are elections on constitutional amendments on a date determined by the county commission. Notice of the election shall be given by the judge of probate and shall be published once a week for three successive weeks before the day of the election. On the ballots used at the election, the proposition to be voted on shall be stated substantially as follows:

“Do you favor the local law authorizing the county commission to levy a one cent sales and use tax to be used for the construction of a new county jail? Yes _____ No _____.”

If a majority of the votes cast at the election are affirmative votes, this act shall have full force and effect on the first day of the second month following the election. If a majority of the votes cast are negative votes, this act shall have no further effect. The judge of probate shall certify the results of the election to the Secretary of State.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1993

Time: 5:10 P.M.

Act No. 93-340

S. 420 – Senator Windom

AN ACT

To amend Section 11-81-21, Code of Alabama 1975, relating to investment of municipal or county funds, so as to permit municipal and county funds to be invested in certain common trust funds, collective investment funds, open-end or closed-end management type investment companies and investment trusts whose portfolios consist solely of certain specified investments and in repurchase agreements respecting such investments; to delete reference to the Federal Savings and Loan Insurance Corporation and add references to the Bank Insurance Fund and Savings Association Insurance Fund; to provide for severability of the provisions of this act; to provide for repeal or amendment of conflicting laws; and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-81-21 of the Code of Alabama 1975 is hereby amended to read as follows:

“§11-81-21.

“Any municipal funds or county funds not presently needed for other purposes may be invested in any obligations in which sinking funds are now authorized to be invested, pursuant to section 11-81-19, and in addition in any of the following:

“(1) Direct obligations of (including obligations issued or held in book entry form on the books of) the Department of the Treasury of the United States of America;

“(2) Obligations of any of the following federal agencies, which obligations represent the full faith and credit of the United States of America:

“a. Farmers Home Administration,

“b. General Services Administration,

“c. U.S. Maritime Administration,

“d. Small Business Administration,

“e. Government National Mortgage Association (GNMA),

“f. U.S. Department of Housing and Urban Development (HUD),
and

“g. Federal Housing Administration (FHA);

“(3) U.S. dollar denominated deposit accounts and certificates of deposit with banks or savings institutions organized under the laws of the United States or any state thereof in amounts which are fully insured to the holder (now up to the \$100,000 maximum coverage) by the Federal Deposit Insurance Corporation, including, without limitation, the Bank Insurance Fund or Savings Association Insurance Fund (“insured deposits”), and in amounts in excess of the insured deposits provided that all amounts in excess of the insured deposits shall be secured at all times by a perfected lien or security interest in pledged collateral of the same type and with the same limitations as may be pledged to secure deposits of the state of Alabama. The pledged collateral shall be deposited exclusively for the purpose of such pledge, with and held by a trust department of a bank organized under the laws of this state or under the laws of the United States having their principal place of business in this state which may be the same bank as holds the deposit, or a federal reserve bank or branch thereof or a federal home loan bank serving savings institutions located in this state or deposited for safekeeping with any third party bank, trust company or savings and loan association

organized either under the laws of the state of Alabama or of the United States having their principal place of business in this state;

“(4) Pre-refunded public obligations, defined as follows:

“Any bonds or other obligations of any state of the United States of America or of any agency, instrumentality or local governmental unit of any such state (i) which are not callable at the option of the obligor prior to maturity or as to which irrevocable notice has been given by the obligor to call on the date specified in the notice, and (ii) which are fully secured as to principal and interest and redemption premium, if any, by a fund consisting only of cash or obligations described in subdivision (1) above, which fund may be applied only to the payment of such principal of and interest and redemption premium, if any, on such bonds or other obligations on the maturity date or dates thereof or the specified redemption date or dates pursuant to such irrevocable instructions, as appropriate, and (iii) which fund is sufficient, as verified by an independent certified public accountant, to pay principal of and interest and redemption, if any, on the bonds or other obligations described in this paragraph on the maturity date or dates thereof or on the redemption date or dates specified in the irrevocable instructions referred to in subclause (i) of this paragraph, as appropriate, and (iv) which are rated, based on the escrow, in the highest rating category of Standard & Poor’s Corporation and Moody’s Investors Service, Inc., or any successors thereto; and

“(5) Interests, however evidenced, in any common trust fund or other collective investment fund maintained by any national or state chartered bank, trust company or savings and loan association having trust powers, or securities of or other interests in any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, as from time to time amended, so long as all of the following requirements are met at the time of purchase and during the term of investment: (i) at least 65% of the portfolio of such common trust fund, collective investment fund or investment company or investment trust must consist of investments authorized in subdivisions (1), (2), (3) or (4) above, and (ii) the remainder of the portfolio (if any, but not more than 35%) may consist only of the following investments: (x) obligations issued or guaranteed by the following agencies: Federal National Mortgage Association (FNMA), Federal Home Loan Mortgage Corporation (FHLMC), including FNMA and FHLMC participation certificates, Federal Land Banks, Central Bank for Cooperatives, Federal Intermediate Credit Banks, Student Loan Marketing Association, and Federal Home Loan Banks, (y) mortgage related securities (as that term is defined in section 3(a) (41) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a) (41), or (z)

repurchase agreements fully collateralized by obligations, securities or investments otherwise authorized under subdivisions 5(i) - (ii), so long as the common trust fund, collective investment fund, investment company or investment trust takes possession and delivery of the collateral for any repurchase agreement either directly or through an authorized custodian. The fact that any financial institution making such investment on behalf of the municipality or county, or any affiliate of such financial institution, is providing services to the investment company or investment trust as an investment advisor, sponsor, distributor, custodian, transfer agent, registrar, or otherwise, and is receiving reasonable remuneration for such services, shall not preclude such institution from making the investment in the securities of such investment company or investment trust; provided, however, that with respect to any account for municipal funds or county funds to which fees are charged for such services, the said financial institution shall disclose (by prospectus, account statement or otherwise) to the beneficiary of such account or to any third party directing investments the basis (expressed as a percentage of asset value or otherwise) upon which the fee is calculated.

"The terms "municipal funds" and "county funds" as used in this section shall include all general, special, permanent, trust and other funds, regardless of source or purpose, held or administered by any county, city or town, or by any officer or agency thereof, in the state of Alabama.

"Investments of municipal funds or county funds shall be made by the officer or agency controlling their disposition. Such county, city or town, or official or agency thereof, may at any time sell such obligations purchased pursuant to this section, and the money received from such sale and the interest and profits on such investment shall be credited to the fund from which the investment was made. Any such obligation may be deposited for safekeeping with any bank, trust company or savings and loan association organized either under the laws of the state of Alabama or of the United States."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 3. All laws or parts of laws which conflict with this act are hereby amended or repealed to the extent of such conflict as necessary to permit the full effectiveness of this act.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 6, 1993

Time: 5:11 P.M.

Act No. 93-341

H. 925 – Rep. Butler

AN ACT

Amending Section 22-11A-38, Code of Alabama 1975, specifying circumstances in which the State Health Officer or the designee of the officer would be required to disclose information regarding HIV infected persons for certain criminal proceedings.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-11A-38, Code of Alabama 1975, is amended to read as follows:

“§22-11A-38.

“(a) The state committee of public health is hereby authorized to establish the rules by which exceptions may be made to the confidentiality provisions of this chapter and establish rules for notification of third parties of such disease when exposure is indicated or a threat to the health and welfare of others. All notifications authorized by this section shall be within the rules established pursuant to this subsection.

“(b) Physicians and hospital administrators or their designee may notify pre-hospital transport agencies and emergency medical personnel of a patient’s contagious condition. In case of a death in which there was a known contagious disease, the physician or hospital administrator or their designee may notify the funeral home director.

“(c) The attending physician or the state health officer or his designee may notify the appropriate superintendent of education when a student or employee has a contagious disease that endangers the health and welfare of others.

“(d) Physicians or the state health officer or his designee may notify a third party of the presence of a contagious disease in an individual where there is a foreseeable, real or probable risk of transmission of the disease.

“(e) Any physician attending a patient with a contagious disease may inform other physicians involved in the care of the patient and a physician to whom a referral is made of the patient’s condition.

“(f) No physician, employee of the health department, hospitals, other health care facilities or organizations, funeral homes or any employee thereof shall incur any civil or criminal liability for revealing or failing to reveal confidential information within the approved rules. This subsection is intended to extend immunity from liability

to acts which could constitute a breach of physician/patient privilege but for the protections of this subsection.

“(g) All persons who receive a notification of the contagious condition of an individual under this section and the rules established hereunder, shall hold such information in the strictest of confidence and privilege and shall take only those actions necessary to protect the health of the infected person or other persons where there is a foreseeable, real or probable risk of transmission of the disease.

“(h) Notwithstanding the provisions of this section or any other provisions of law, the State Health Officer or his or her designee shall under the circumstances set forth below disclose such information as is necessary to establish the following: That an individual is seropositive for HIV infection, confirmed by appropriate methodology as determined by the Board of Health; that the individual has been notified of the fact of his or her HIV infection; and that the individual has been counseled about appropriate methods to avoid infecting others with the disease. Such information shall be provided only under either of the following circumstances:

“(1) In response to a subpoena from a grand jury convened in any judicial circuit in the state, when such a subpoena is accompanied by a letter from the Attorney General or an Alabama district attorney attesting that the information is necessary to the grand jury proceedings in connection with an individual who has been charged with or who is being investigated for murder, attempted murder, or felony assault as a result of having intentionally or recklessly exposed another to HIV infection where the exposed person is later demonstrated to be HIV infected. Prior to release of such evidence to the grand jury, such evidence shall be reviewed in camera by a court of competent jurisdiction to determine its probative value, and the court shall fashion a protective order to prevent disclosure of the evidence except as shall be necessary for the grand jury proceedings.

“(2) In response to a subpoena from the State of Alabama or the defendant in a criminal trial in which the defendant has been indicted by a grand jury for murder, attempted murder, or felony assault as a result of having intentionally or recklessly exposed another to HIV infection where the exposed person is later demonstrated to be HIV infected, and, if subpoenaed by the State of Alabama, such material has previously been presented to the appropriate grand jury for review pursuant to subdivision (1), above. Prior to the introduction of such evidence in a criminal trial, it shall be reviewed by the court in camera to determine its probative value, and the court shall fashion a protective order to prevent disclosure of the evidence except as shall be necessary to prosecute or defend the criminal matter.

“(i) Nothing in this section shall be construed to mean a physician, hospital, health department, or health care facility or employee thereof will be under any obligation to test an individual to determine their HIV infection status.

“(j) Except as provided in this section, any information required pursuant to this chapter shall remain confidential.

“(k) Any person violating any provision of this section or approved guidelines shall be guilty of a Class ‘C’ misdemeanor.”

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 6, 1993

Time: 5:12 P.M.

Act No. 93-342

H. 970 – Rep. Harvey

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, relating to the establishment of districts for fire fighting and emergency medical services and providing for mandatory annual dues for fire protection and emergency medical services in Blount County.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901 is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

The Legislature may, by local law from time to time, provide for the establishment of districts for fire protection and emergency medical services and provide for mandatory annual dues in the district upon approval of the qualified electors residing within the district. The Legislature shall provide for the operation of the

districts and for the collection of mandatory annual dues. The Legislature may limit the liability of the county for the operation of a district and provide that a district shall be exempt from all taxation. The districts may include the area currently served by the Remlap Volunteer Fire and Rescue, Inc., or may be formed in other areas of the counties.

Section 2. This amendment shall have no force and effect unless it shall first be unanimously approved by at least three-fifths vote of the elected members of each house and unanimously approved by the local constitutional amendment commission.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county affected.

Section 4. An election upon the proposed amendment shall be held at the next general, special, constitutional, or county election in Blount County. The election shall be held in accordance with Amendment 425 to the Constitution of 1901, and the general election laws of this state.

CONSTITUTIONAL AMENDMENT

Passed the House April 29, 1993

Passed the Senate May 6, 1993

Act No. 93-343

H. 21 – Rep. Laird

AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to levy an additional one mill ad valorem tax, and providing for the distribution of the proceeds.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901 as amended:

PROPOSED AMENDMENT

(a) In addition to all other taxes presently levied on the value of the taxable property within this state, for the tax years beginning

after the date of proclamation by the Governor of the ratification of this amendment by a majority of the qualified electors of this state voting on the measure, a special ad valorem property tax is levied at the rate of ten one-hundredths of one percent on the value of the taxable property within this state.

(b) The proceeds from the imposition of the special ad valorem tax levied by this amendment shall be apportioned and expended for the following programs and purposes in the following approximate proportions:

(1) To be divided by the Alabama Forestry Commission among the paid fire departments and paid fire districts, that meet the same minimum requirements of a certified volunteer fire department, within the state on a per capita basis as determined by the population within the corporate limits in the case of municipal paid fire departments, and on a per capita basis for the area protected by paid fire departments other than municipal departments or paid fire districts, 22.71 percent of the proceeds. The population of the area protected in the case of paid fire departments other than municipal departments and paid fire districts shall be certified by the county commission of the county where the department is located. These proceeds are to be used only for the purchase of equipment, apparatus or buildings.

For the purpose of this act a paid fire department shall be defined as having at least sixty (60) percent of its active roster as full time paid fire fighters.

(2) To be allocated to Lawson State Community College for fire prevention and fire education programs, .60 percent of the proceeds.

(3) To be allocated to Jefferson State Community College for fire prevention and fire education programs, .60 percent of the proceeds.

(4) To be divided as nearly equal as possible by the Alabama Forestry Commission among each individual department and fire station of the certified volunteer fire departments, paid municipal fire departments and paid or volunteer fire districts within the state 56.885 percent of the proceeds.

For the purposes of this act a fire station of a paid municipal fire department or a paid fire district shall be defined as a separately located fire installation housing at least one Class "A" fire pumper that meets minimum Insurance Service Office standards for a Class "A" pumper and be manned by at least three fire fighters 24 hours a day. The number of stations for each department shall be certified by the mayor of the municipality in the case of a city and by the county commission in the case of paid fire districts.

For the purposes of this act a fire station of a certified volunteer department or volunteer fire district that meets the requirements of a certified volunteer department shall be defined as a separately located installation housing at least one Class "A" fire pumper that meets minimum Insurance Service Office standards for a Class "A" pumper. The number of stations for volunteer fire departments shall be certified by the Alabama Forestry Commission.

(3) For implementation and operation of a revolving loan fund to be contained within the State Treasury for the benefit of certified volunteer fire departments, paid fire departments, or paid fire districts, in the state, 9.564 percent of the proceeds. The Legislature may provide for the operation of the revolving loan fund including providing a cap on the total amount of funds in the revolving loan fund and for the distribution of funds in excess of the cap pursuant to subdivision (1).

(4) For the Alabama Forestry Commission for use in its fire repression and prevention programs, 5 percent of the proceeds. In no event shall the proceeds herein be expended for or used by any private organization for any purpose, including legal costs.

(5) For the State Fire College, which is presently located at Shelton State Community College, 4.782 percent of the proceeds.

(c) The proceeds of the special ad valorem tax levied by this amendment shall be appropriated by the Legislature to the agencies and entities specified in subsection (b) to best ensure the use of the tax proceeds for the purposes set forth in subsection (b).

(d) Any revenue lost by reason of the exemption of homesteads from this special ad valorem tax shall not be replaced from the proceeds of the state income tax.

(e) The tax proceeds of this amendment may be used for rescue squads as determined by each individual fire department.

Section 2. An election upon the proposed amendment shall be held at the next general, special, primary, or constitutional amendment election held more than three months after final adjournment of the session of the Legislature at which this act is adopted. The election shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the general election laws of this state.

Section 3. Notice of the election and of the proposed amendment shall be given by proclamation of the Governor. The proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper in each county of the state. In every county in which no

newspaper is published, a copy of the notice shall be posted at each courthouse and post office.

CONSTITUTIONAL AMENDMENT

Passed the House as amended February 18, 1993

Passed the Senate as amended May 5, 1993

House concurred in Senate amendment May 6, 1993

Act No. 93-344

S. 252 – Senators Lindsey, Denton,
Dixon and Mitchem

AN ACT

Amending Section 41-9-141, Code of Alabama 1975, to allow the state building commission to charge user fees for services performed under Article 6, Chapter 9, Title 41, Code of Alabama 1975, and to appropriate the fees collected under this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-9-141, Code of Alabama 1975, is amended to read as follows:

“§41-9-141.

“(a) The commission shall have full power and authority for and on behalf of the state of Alabama to do any or all of the following:

“(1) To acquire lands by purchase, condemnation, or otherwise.

“(2) To plan buildings and designate the location thereof.

“(3) To plan and provide for the improvement of all property now owned or hereafter acquired by the state or any institution or agency thereof.

“(4) To construct, repair, equip, remodel, enlarge, renovate, furnish, refurnish, improve, and locate buildings, structures, and facilities for the use of the state of Alabama or any of its institutions or agencies as in its judgment shall be necessary for state, institutional, or agency purposes.

“(5) To enter into contract to perform any of the functions provided for in this subsection.

“(6) To receive any moneys, land, or equipment donated, appropriated, or otherwise acquired by it for the purposes provided for in this subsection.

“(7) To take the action necessary to accomplish the purposes provided for in this subsection.

“(8) To charge and provide for collection of user fees for its services. The fees established shall take into consideration the costs of operating the commission. It is provided, however, that the fees so established by this act shall not exceed the Appendix B Recommended Schedule of Permit Fees of the Southern Standard Building Code.

“(b) The commission is authorized and empowered to use the services, facilities, or employees of the Alabama development office in furthering the objects of this article when its request so to do is approved by the governor.

“(c) The commission may appoint and dismiss any officers, employees, and agents including competent architectural and technical employees as may be necessary to effectuate the purposes of this article. All employees of the commission shall be subject to the provisions of the merit system. The commission is authorized to fix by contract the fees or compensation of all architectural and technical employees without regard to the Merit System Act.

“(d) The commission is authorized and empowered to make and adopt all necessary rules, regulations, and plans for its own guidance and for the proper conduct of the duties imposed upon it.

“(e) The decisions of the commission with respect to approval and allocations of funds shall be final.

“(f) No meeting of the commission shall be held on less than three days' actual notice to the members thereof.”

Section 2. All user fees collected by the commission under Section 1 of this act shall be deposited into the existing special revenue fund in the state treasury designated as the Building Commission Operating Fund. The Director of the Technical Staff of the Building Commission may make deposits to the fund and expenditures from the fund to carry out the functions of the commission. The receipts shall be disbursed only by warrant of the State Comptroller upon itemized vouchers initiated by the Director of the Technical Staff of the State Building Commission and approved by the Secretary of the State Building Commission. Notwithstanding the foregoing, no funds shall be withdrawn or expended for any purpose whatsoever unless the funds have been budgeted and allotted in accordance with Sections 41-4-80 to 41-4-96, inclusive, and 41-19-1 to 41-19-12, inclusive, of the Code of Alabama 1975. The balance remaining in the fund

at the end of a fiscal year shall carry over into the next fiscal year and shall not revert to the state general fund or any other fund.

Section 3. The state building commission may start charging fees for services as authorized by this act no sooner than the first day of the first month which follows the adoption date of a fee schedule promulgated under the Alabama Administrative Procedure Act.

Section 4. All fees collected under Section 1 of this act are appropriated from the State Building Commission Fund to the State Building Commission, for the fiscal year ending September 30, 1994. The appropriation provided in this section shall be in addition to any and all other funds heretofore or hereinafter appropriated to the State Building Commission.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 10:15 A.M.

Act No. 93-345

S. 304 – Senator deGraffenried

AN ACT

To amend Section 12-2-7, Code of Alabama 1975, to authorize the Supreme Court to transfer to the Court of Civil Appeals certain civil cases appealed to the Supreme Court, and to provide for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-2-7, Code of Alabama 1975, is amended to read as follows:

“§12-2-7.

“The supreme court shall have authority:

“(1) To exercise appellate jurisdiction coextensive with the state, under such restrictions and regulations as are prescribed by law; but, in deciding appeals, no weight shall be given the decision of the trial judge upon the facts where the evidence is not taken orally before the judge, but in such cases the supreme court shall weigh the evidence and give judgment as it deems just.

“(2) To exercise original jurisdiction in the issue and determination of writs of quo warranto and mandamus in relation to matters in which no other court has jurisdiction.

“(3) To issue writs of injunction, habeas corpus and such other remedial and original writs as are necessary to give to it a general superintendence and control of courts of inferior jurisdiction.

“(4) To make and promulgate rules governing the administration of all courts and rules governing practice and procedure in all courts; provided, that such rules shall not abridge, enlarge or modify the substantive right of any party nor affect the jurisdiction of circuit and district courts or venue of actions therein; and provided further, that the right of trial by jury as at common law and declared by section 11 of the Constitution of Alabama of 1901 shall be preserved to the parties inviolate.

“(5) To punish for contempts by the infliction of a fine not exceeding one hundred dollars (\$100), and imprisonment not exceeding 10 days or both.

“(6) To transfer to the Court of Civil Appeals, for determination by that court, any civil case appealed to the Supreme Court and within the appellate jurisdiction of the Supreme Court, except the following:

“a. A case that the Supreme Court determines presents a substantial question of federal or state constitutional law.

“b. A case that the Supreme Court determines involves a novel legal question, the resolution of which will have significant statewide impact.

“c. A utility rate case appealed directly to the Supreme Court under the provisions of Section 37-1-140.

“d. A bond validation proceeding appealed to the Supreme Court under the provisions of Section 6-6-754.

“e. A bar disciplinary proceeding.

“(7) To exercise such other powers as are or may be given to the Supreme Court by law.”

Section 2. This act shall become effective October 1, 1993, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 10:16 A.M.

Act No. 93-346

S. 303 – Senator deGraffenried

AN ACT

Relating to the Court of Civil Appeals; to create two additional judgeships on the Court of Civil Appeals; to provide for the election of the first judge to fill each

judgeship; to provide further for the appellate jurisdiction of the Court of Civil Appeals; and to amend Sections 12-3-1 and 12-3-10 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. There is created and established two judgeships on the Court of Civil Appeals, which shall be in addition to the three judges now existing. The two additional judgeships shall first be filled at the general election to be held in 1994, and the first judges elected shall each serve a full term of office beginning on the first Monday following the second Tuesday in January, 1995. Every six years thereafter, a judge shall be elected to fill each additional judgeship.

Section 2. The judges elected as provided in Section 1 of this act shall have and shall exercise all the jurisdiction, powers, rights, and authority, and possess all qualifications, perform all the duties, and be subject to the pains, obligations, and penalties that the other judges of the Court of Civil Appeals may be subject to exercise and perform.

Section 3. The compensation of the additional judges shall be the same as that of the other judges of the Court of Civil Appeals.

Section 4. Section 12-3-1, Code of Alabama 1975, is amended to read as follows:

“§12-3-1.

“A court of criminal appeals and a court of civil appeals, each composed of five judges, possessing the qualifications of the supreme court justices, are hereby created and established.”

Section 5. Section 12-3-10, Code of Alabama 1975, is amended to read as follows:

“§12-3-10.

“The court of civil appeals shall have exclusive appellate jurisdiction of all civil cases where the amount involved, exclusive of interest and costs, does not exceed fifty thousand dollars (\$50,000), all appeals from administrative agencies other than the Alabama public service commission, all appeals in workmen’s compensation cases, all appeals in domestic relations cases, including annulment, divorce, adoption and child custody cases and all extraordinary writs arising from appeals in said cases. Where there is a recovery in the court below of any amount other than costs, the amount of such recovery shall be deemed to be the amount involved; otherwise, the amount claimed shall be deemed to be the amount involved; except, that in actions of detinue the alternate value of the property as found by the court or jury shall be deemed to be the amount involved.”

Section 6. Section 5 of this act shall become effective January 1, 1995.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 10:17 A.M.

Act No. 93-347

H. 251 – Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Retired Senior Volunteer Program for the fiscal year ending September 30, 1994, and to require an operations plan prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1994, there is hereby appropriated to the Retired Senior Volunteer Program from the State General Fund the sum of Two hundred ninety-one thousand five hundred ninety-three dollars (\$291,593) which shall be distributed in the following manner: \$34,029 to the Foster Grandparent and Senior Companions Programs and \$257,564 to the Retired Senior Volunteer Programs.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1993-94, an operations plan for fiscal year 1993-94 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1993-94 funds following receipt of this report.

Section 3. This Act shall become effective October 1, 1993.

Approved May 10, 1993

Time: 3:15 P.M.

Act No. 93-348

H. 252 – Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Shoals Entrepreneurial Center for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1994, there is hereby appropriated to the Shoals Entrepreneurial Center from the State General Fund the sum of One hundred thirty-seven thousand nine hundred forty dollars (\$137,940).

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1993-94, an operations plan for fiscal year 1993-94 and an audited financial statement for all operations during fiscal year 1991-92 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1993-94 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1993.

Approved May 10, 1993

Time: 3:16 P.M.

Act No. 93-349

H. 256 – Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Warrior-Tombigbee Development Association for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1994, there is hereby appropriated to the Warrior-Tombigbee Development Association from the State General Fund the sum of Thirty-two thousand one hundred eighty-six dollars (\$32,186).

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1993-94, an operations plan for fiscal year 1993-94 and an audited financial statement for all operations during fiscal year 1991-92 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1993-94 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1993.

Approved May 10, 1993

Time: 3:17 P.M.

Act No. 93-350

H. 262 – Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the America's Young Woman of the Year Program for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1994, there is hereby appropriated to the America's Young Woman of the Year Program from the State General Fund the sum of Forty-five thousand nine hundred eighty dollars (\$45,980).

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1993-94, an operations plan for fiscal year 1993-94 and an audited financial statement for all operations during fiscal year 1991-92 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1993-94 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1993.

Approved May 10, 1993

Time: 3:18 P.M.

Act No. 93-351

H. 519 – Rep. Higginbotham

AN ACT

Relating to the George Wallace, Jr., Plan for Linked Deposits; to amend Sections 5-21-2, 5-21-3, 5-21-4, and 5-21-9, Code of Alabama 1975, to expand the plan to include linked deposits to support loans made to qualifying applicants to state sponsored housing assistance programs and to increase the amount of funds available under the plan; to create the Alabama Indian Housing Authority; and to provide for its purpose and powers.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 5-21-2, 5-21-3, 5-21-4, and 5-21-9, Code of Alabama 1975, are amended to read as follows:

“§5-21-2.

“The legislative purpose and intent of this chapter is to create a plan for emergency interim deposits as herein defined and for linked deposits in this state in which the state treasurer is authorized to

deposit or invest a portion of the state's portfolio of investments with participating lending institutions in relatively low-yielding deposit accounts, certificates of deposit, or other authorized investments, where the institutions have made commitments to make available lower cost loans on the basis of these linked deposits for qualifying private farm and small business borrowers, or for qualifying applicants to state sponsored housing assistance programs. The further legislative intent is that such lower cost loans will result in a significant contribution to the economic and agricultural growth and development of the state, and will assist in maintaining or improving business and agricultural profitability as well as preserving and creating jobs for Alabama citizens."

"§5-21-3.

"For purposes of this chapter, the following terms shall have the meaning hereinafter ascribed to them, unless the context clearly indicates otherwise:

"(1) **PLAN.** The Wallace plan for linked deposits, created in section 5-21-4 hereof.

"(2) **TREASURER.** The treasurer for the state of Alabama.

"(3) **LENDING INSTITUTION or ELIGIBLE LENDING INSTITUTION or LENDER.** All state banks, savings and loan associations, and any other lending institutions of this state which are or shall become a depository of state funds, which agree to participate in a linked deposit plan.

"(4) **LINKED DEPOSIT or LINKED DEPOSIT PLAN.** An agreement between the treasurer and an eligible lending institution whereby a deposit is placed with the institution at a rate of return which is up to three percent below the current market rate for such a deposit, as determined by the treasurer, provided the institution agrees to lend the equivalent value of the deposit to eligible agricultural and business operations, and state sponsored housing assistance program participants, at a correspondingly reduced rate of interest, as hereinafter provided.

"(5) **ELIGIBLE AGRICULTURAL OPERATION.** Any person, corporation, partnership, or other entity which is engaged in the production of agricultural, livestock, poultry, timber, dairy, or fruit or other horticultural products and which:

"a. derives at least 70 percent of its gross income from such production; and

"b. operates exclusively in Alabama.

"(6) **ELIGIBLE BUSINESS OPERATION.** Any person, proprietor, corporation, partnership or other entity which:

"a. is headquartered in Alabama;

"b. is organized for profit;

"c. maintains facilities exclusively in Alabama;

"d. has no more than 150 employees at the time it applies for a loan under the plan;

"e. for loans of two hundred fifty thousand dollars (\$250,000) or less, demonstrates to the lending institution that a significant number of jobs are sustained or created as a result of the loan; and

"f. for loans in excess of two hundred fifty thousand dollars (\$250,000), demonstrates to the lending institution that for each ten thousand dollars (\$10,000) worth of loan proceeds approved, at least one new job is created within the state.

"(7) **EMERGENCY INTERIM DEPOSITS.** Deposits discretionarily made by the treasurer in support of loans made by eligible lending institutions to persons, businesses, organizations, or local governments which have suffered loss, and which are located in areas in which property loss has occurred due to fire, flood, tornado, hurricane or other act of God, or other natural or man-made disaster.

"(8) **STATE SPONSORED HOUSING ASSISTANCE PROGRAMS.** Those programs established by the Treasurer, either independently or in conjunction with other state agencies, designed to assist qualified applicants with housing, including home ownership, and operated in conjunction with this chapter."

"§5-21-4.

"(a) The Wallace plan for linked and emergency interim deposits, hereinafter referred to as "the plan" is created. The state treasurer is authorized, effective April 7, 1988, and until September 30, 1995, to use up to 15 percent of the total amount of investment funds of the state portfolio for the plan as linked deposits for eligible loans or for emergency interim deposits, as herein defined, made at the treasurer's discretion.

"(b) The term of any emergency interim deposit shall not exceed one year, and the deposit shall be made at a rate of return which is up to three percent below the current market rate for such a deposit, as determined by the treasurer, provided the institution agrees to lend the equivalent value of the deposit at a correspondingly reduced rate of interest.

"(c) The term of any linked deposit made to support a loan made to a qualifying applicant to a state sponsored housing assistance program shall not exceed five years."

"§5-21-9.

"The treasurer shall establish procedures and other requirements for participation in the plan, and shall provide simplified rules and loan application forms to the participating lending institutions for linked deposit loans. The forms shall reflect the specific requests for information required by this chapter for eligible agricultural, business, and housing loans, respectively. Upon completion of any application for a loan pursuant to the plan, the lender shall send the application to the treasurer who shall either approve or reject the application in a timely manner. If approved, the treasurer shall deposit funds with the lender in accordance with the established procedures, and the deposits shall be secured in accordance with section 41-14-35."

Section 2. (a) As used in this section, the following words shall have the following meanings ascribed to them:

(1) **AUTHORITY.** The Alabama Indian Housing Authority.

(2) **COMMISSION.** The Alabama Indian Affairs Commission created under Sections 41-9-708 to 41-9-717, inclusive, of the Code of Alabama 1975.

(3) **INDIAN AREAS.** Any area within the state which is situated outside the corporate boundaries of cities or towns existing at the time of passage of the legislation, unless those cities and towns are designated by AIAC (Alabama Indian Affairs Commission) as being areas where significant Indian population exists, and which have been determined and designated formally by the AIAC to be areas which are both:

a. Are considered historically to be inhabited by Indians.

b. Are areas where Indian families are not presently being served by existing housing authorities.

(4) **PROJECT.** Any low-rent housing hereafter developed or acquired by the authority with financial assistance of the United States of America acting through the Secretary of Housing and Urban Development.

(b) There is created and established an Indian housing authority for the jurisdiction of the State of Alabama, to be styled the Alabama Indian Housing Authority. Its purpose shall be to provide safe and decent dwelling places for low-income persons and families in Indian areas.

The authority shall consist of five members who shall be appointed by the commission from nominations submitted to the commission from the tribal councils of the following tribal governments:

(1) Cherokees of Southeast Alabama.

- (2) Cherokees of Northeast Alabama.
- (3) Echota Cherokees.
- (4) Machis Creeks.
- (5) Star Clan of Muscogee (Creeks).

No person shall be barred from serving as a member of the authority because the person is a tenant or home buyer in a tribal housing project.

Members of the authority shall serve a term of three years from their appointment, and may serve an unlimited number of terms. In the event of a vacancy on the authority, the commission shall appoint a successor to fill the unexpired term.

The authority shall select from among its members a chair, a vice-chair, and a secretary-treasurer. No member shall hold simultaneously two offices within the authority. The chair shall preside at meetings of the authority. The vice-chair shall preside in the absence of the chair. In the absence of both the chair and vice-chair, the secretary-treasurer shall preside.

The commission may remove any member of the authority for neglect of duty, inefficiency, or misconduct in office, but only after a hearing before the authority, and only after the member has been given a written notice of the charges at least 10 days prior to the hearing. At the hearing, the member shall have the opportunity to be heard in person or by counsel and to present witnesses.

Three members shall constitute a quorum for the conduct of business of the authority.

The principal place of business of the authority is Montgomery County, Alabama. Meetings of the authority may be held at other locations within the state upon notification of the members by certified mail, at least 10 days prior to the meeting date.

The authority may hire an executive director and such other personnel as may be necessary to administer the provisions of this section. The executive director shall serve at the pleasure of the authority.

(c) The authority may:

- (1) Undertake research and studies and analyses of housing needs in the State of Alabama, and the means by which such needs may be met, including data with respect to population and family groups and the distribution thereof according to income groups, the amount and quality of available housing and its distribution according to rental and sales prices, and employment, wage

and other factors affecting the local housing needs and the meeting thereof, and make the results and analyses available to the public and the building, housing, and supply industries.

(2) Enter into contracts with cities, towns, counties, and other housing authorities in the state for the purpose of carrying out this section.

(3) Establish rentals and select tenants in low-income rental housing projects under its jurisdiction.

(4) Issue bonds, notes, and other evidence of indebtedness for the purpose of financing the construction of housing for low-income persons pursuant to Title 24, Code of Federal Regulations Part 905 Indian Housing: Revised Consolidated Program Regulations; Interim Rule.

(5) Obtain, rent, lease, or otherwise obtain from any county, city, or state, properties of the public bodies as are offered for use to the authority for the purpose of providing housing to low-income persons and families in Indian areas.

(6) Enter into contracts and agreements with agents of the federal government for the purpose of purchasing land, acquiring, constructing, renovating, providing streets, utilities, and landscaping grounds for rental and other housing for low-income persons and families in designated Indian areas.

(7) Exercise any additional powers, rights, and functions specified for municipal housing authorities created under sections 24-1-20 to 24-1-45, inclusive, Code of Alabama 1975. All laws applicable to housing authorities created under Title 24, Code of Alabama 1975, for municipalities and the commissioner of the authorities shall be applicable to the authority, unless a different meaning clearly appears from the context.

The commission may exercise all appointing and other powers with respect to an Indian housing authority that are vested in the chief executive officer and governing body of a municipality under Title 24, Code of Alabama 1975, with respect to municipal housing authorities.

Rentals and tenant selection associated with projects of the authority shall be in accordance with Title 24, Code of Alabama 1975, with respect to municipal housing authorities.

(d) Subject to the limitations of this section, the authority may operate anywhere in the State of Alabama that is an Indian area. The authority shall not undertake any housing project or projects within the area of operation of any city, county, or regional housing authority unless a resolution is adopted by the city, county, or

regional housing authority declaring that there is a need for the authority to exercise its powers within the city, county, or regional housing authority's area of operation.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:19 P.M.

Act No. 93-352

H. 508 – Rep. Haynes

AN ACT

To provide for the suspension of the driver's license of any person convicted or adjudicated of violating certain drug related crimes, collection of an additional fee for administrative costs incurred by the department and for the proceeds to be deposited in a special fund created in the State Treasury and to provide for a prospective effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any other penalty provided by law, the Department of Public Safety shall suspend for a period of six months the driver's license of any person, including, but not limited to, a juvenile, child, or youthful offender, convicted or adjudicated of, or subjected to a finding of delinquency based on, the crimes specified in Section 2 of this act. If, at the time of conviction, adjudication, or finding of delinquency, the individual did not have a driver's license or the driver's license had been suspended or revoked, there shall be a delay in the issuance or reinstatement of the driver's license for six months after the individual applies for issuance or reinstatement.

Section 2. A driver's license shall be suspended pursuant to Section 1 of this act for conviction of, adjudication of, or a finding of delinquency based on, the following crimes:

(1) Criminal solicitation to commit a controlled substance crime under Section 13A-12-202, Code of Alabama 1975.

(2) Attempt to commit a controlled substance crime under Section 13A-12-203, Code of Alabama 1975.

(3) Criminal conspiracy to commit a controlled substance crime under Section 13A-12-204, Code of Alabama 1975.

(4) Unlawful distribution of controlled substances under Section 13A-12-211, Code of Alabama 1975.

(5) Unlawful possession or receipt of controlled substances under Section 13A-12-212, Code of Alabama 1975.

(6) Unlawful possession of marijuana in the first degree under Section 13A-12-213, Code of Alabama 1975.

(7) Unlawful possession of marijuana in the second degree under Section 13A-12-214, Code of Alabama 1975.

(8) Sale or furnishing of controlled substances by persons over age 18 to persons under age 18 under Section 13A-12-215, Code of Alabama 1975.

(9) Trafficking in specified substances under Section 13A-12-231, Code of Alabama 1975.

(10) Driving under the influence of a controlled substance, or under the combined influence of a controlled substance and alcohol under Sections 32-5A-191(a)(3) and 32-5A-191(a)(4), Code of Alabama 1975.

Section 3. Upon conviction or adjudication of, or finding of delinquency based on, any of the offenses enumerated in Section 2 of this act, the court shall take the defendant's driver's license and immediately forward it to the Department of Public Safety. Drivers' licenses from other states shall also be subject to suspension. The Department of Public Safety shall coordinate with other states when out-of-state licenses are involved.

Section 4. For purposes of this act, if the conduct or acts punishable by reference in Section 2 of this act also constitute violations of a federal law or the law of another state, then conviction or adjudication under federal law, or conviction or adjudication, or a finding of delinquency based on the law of another state for the same acts or conduct shall be given effect as if rendered in the courts of this state.

Section 5. The Director of the Department of Public Safety shall establish and collect a nonrefundable fee in the amount of twenty-five dollars (\$25) for costs incurred by the department in the administration of this act. The fee shall be in addition to the fees established under Section 32-6-17 of the Code of Alabama 1975. The additional fee shall be collected upon application for reinstatement and the proceeds shall be deposited in the State Treasury to the credit of the Public Safety Drug Offender Reinstatement Fund, which is hereby created. All money deposited in the State Treasury to the credit of the Public Safety Drug Offender Reinstatement Fund shall be expended for administrative costs of the Department

of Public Safety in carrying out the provisions of this act. No money shall be withdrawn or expended from the fund for any purpose unless the money has been allotted and budgeted in accordance with Article 4 (commencing with Section 41-4-80) of Chapter 4 of Title 41 of the Code of Alabama 1975, and only in the amounts and for the purposes provided by the Legislature in the General Appropriations Bill or other appropriation bills.

Section 6. This act shall become effective January 1, 1994, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:20 P.M.

Act No. 93-353

H. 516 – Rep. Newton (C)

AN ACT

Providing that oxygen or durable medical equipment ultimately provided to a recipient of benefits under the Medicare program shall be exempt from state and local sales and use taxes and that a provider of oxygen or durable medical equipment which is rented or leased to a recipient of Medicare or Medicaid benefits shall be exempt from rental and leasing taxes on the gross receipts of the transaction.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act, the term “durable medical equipment” means equipment which can stand repeated use, is used to serve a purpose for medical reasons, and is appropriate and suitable for use in the home.

Section 2. Oxygen or durable medical equipment dispensed under orders from a duly licensed physician by a participating provider to a recipient of benefits under the Medicare program shall be exempt from state and local sales and use taxes.

Section 3. A participating provider who rents or leases oxygen or durable medical equipment to a recipient of benefits under the Medicare or Medicaid program under orders from a duly licensed physician shall be exempt from all state and local rental and leasing taxes.

Section 4. This act shall become effective on October 1, 1994.

Approved May 10, 1993

Time: 3:21 P.M.

Act No. 93-354

H. 453 – Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Birmingham Football Foundation for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1994, there is hereby appropriated to the Birmingham Football Foundation from the State General Fund the sum of \$300,000.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1993-94, an operations plan for fiscal year 1993-94, and an audited financial statement for all operations during fiscal year 1991-92 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1993-94 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1993.

Approved May 10, 1993

Time: 3:22 P.M.

Act No. 93-355

H. 839 – Rep. Black (L)

AN ACT

Relating to Greene County, authorizing the county commission to levy an additional ad valorem tax in said county to be used for certain purposes and providing for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. In Greene County, in addition to any and all other taxes heretofore levied, the county commission is hereby authorized to levy and impose an additional ad valorem tax in the amount of 25 mills on each dollar of taxable property:

Thirty-four percent of said tax shall be earmarked to the county general fund to be used for general county purposes.

Forty percent of said tax shall be distributed to the county board of education.

Twenty percent of said tax shall be distributed to the municipalities and shall be divided among all municipalities based on the population of each municipality.

Four percent shall be distributed and divided among the volunteer fire departments.

Two percent shall be distributed to the county library board for a period of ten years and then to revert to the county general fund.

The additional ad valorem tax imposed by this act shall be collected at the same time and in the same manner as existing ad valorem taxes are collected.

Section 2. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors who reside in Greene County and who vote thereon at a referendum held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on special school taxes, and shall be held in conjunction with the next regularly scheduled federal, state, or local election to be held in the county or at a special election held for such purpose. Notice of the election shall be given as are other county elections under the general applicable laws of this state. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows: "Do you favor the local law enacted at the 1993 Regular Session, which authorizes the Greene County Commission to levy an additional 25 mills ad valorem tax on each dollar of taxable property, to be deposited in the county general fund with thirty-four percent of said tax shall be used for county general purposes; 40 percent of said tax shall be distributed to the county board of education; 20 percent of said tax shall be distributed to and divided among the municipalities based upon population; 4 percent shall be distributed to and divided among the volunteer fire departments; and, 2 percent shall be distributed to the county library board for a period of ten years and then revert to the county general fund? Yes () No ()."

If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect after the referendum. If a majority of the votes cast are in the negative, the act shall have no effect. The judge of probate for Greene County shall certify the results of the election to the Secretary of State and to the State Revenue Department after the returns have been certified.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:23 P.M.

Act No. 93-356

S. 25 – Senator Wilson

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Pickensville in Pickens County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Pickensville in Pickens County are altered, rearranged, and extended to include within the corporate limits of the municipality, in addition to the lands now included, all of the following territory:

A parcel of land being a part of Sections 7 and 19 and all of Section 18, Township 21 South, Range 16 West and a part of Sections 9, 11, 12, 13, 16, 22, 24, 26 and 27 and all of Sections 10, 14, 15 and 23, Township 21 South, Range 17 West, all in Pickens County, Alabama, containing five thousand, four hundred and sixty (5,460) acres, more or less, and being more particularly described as follows:

Begin at the Southwest corner of the North Half of Section 19, Township 21 South, Range 16 West, said point being the Southeast corner of the existing corporate limits of the municipality of Pickensville, Alabama; thence run in a northerly direction and along the west boundary line of Sections 19 and 18 and the East boundary line of said corporate limits, for a distance of 5,280 feet, more or less, to the Southeast corner of the North Half of said Section 13 and the Northeast corner of said corporate limits; thence run in a westerly direction and along the South boundary line of said North Half of Section 13 and the North line of said corporate limits, for a distance of 5,280 feet, more or less, to the Northeast corner of the South Half of said Section 14 and the Northwest corner of the Pickensville corporate limits; thence run in a Southerly direction and along the East boundary line of Sections 14 and 23 and the West boundary line of said corporate limits for a distance of 5,280 feet, more or less, to the Northwest corner of the South Half of Section 24 and the Southwest corner of the existing corporate limits of the municipality of Pickensville; thence run in an easterly direction and along the North boundary line of said South Half and the South boundary line of said corporate limits for a distance of 2,640 feet, more or less, to point which makes the center of said Section 24; thence run in a Southwesterly direction along the South line of the diagonal Northwest Half of the Southwest Quarter of said Section 24, for a distance of 3,733.5 feet, more or less, to the southwest corner of said Section 24; thence run North 87°38' West and along the North boundary line of Section 26 for a distance of 1,821.6 feet to a concrete monument stamped "102-1/101-6" and being located at plane coordinate position North 1,169,423 feet and East 261,416 feet based on Traverse Mercator Projection, Alabama West Zone; thence run South 44°59' West for a distance of 1,860.4 feet, more or less, to a concrete monument stamped "101-5"; thence run South 07°29' West for a distance of 1,161.3 feet to a concrete monument stamped

"101-4"; thence run South 33°41' West for a distance of 1,433.1 feet to a concrete monument stamped "101-3"; thence run South 48°20' West for a distance of 640.4 feet to a concrete monument stamped "G-CI-492A/101-2-B"; thence run South 29°36' West for a distance of 640.5 feet to a concrete monument stamped "G-CI-491/101-2-A"; thence run South 18°56' West for a distance of 591.7 feet, more or less, to a concrete monument stamped "G-SA26-2/G-CI-491A/101-2" (Reset), which is on the South line of said Section; the coordinates of said monument are North 1, 164,221 feet and East 258,168 feet; thence run North 87°17' West and along the South line of said Section for a distance of 26.7 feet to a concrete monument stamped "101-1" (Reset); thence run North 87°32' West and along the South line of said Section for a distance of 269.4 feet to an iron pipe; thence continue North 87°32' West and along the South line of said Section for a distance of 15 feet, more or less, to the left bank of the Tombigbee River; thence run South 46°29'15" West for a distance of 341.62 feet to a point on the South boundary line of Section 27, Township 21 South, Range 17 West at its point of intersection with the right bank of the Tombigbee River; thence run South 89°59' West and along said South line for a distance of 212.0 feet, more or less, to a concrete monument stamped "112-2", which is on the South line and 4,750 feet, more or less, East of the Southwest corner of said Section 27, and at plane coordinate position North 1,163,999.56 feet and East 257,397.86 feet, based on Transverse Mercator Projection, Alabama West Zone; thence run North 00°01' East for a distance of 1,000.8 feet, more or less, to a concrete monument stamped "112-3"; thence run North 09°04' West for a distance of 2,532.0 feet, more or less, to a concrete monument stamped "113-1" at plane coordinate position North 1,167,500.32 feet, and East 256,999.02 feet; thence run North 06°30' West for a distance of 1,851.7 feet, more or less, to a concrete monument stamped "113-2", which is 150 feet, more or less, South of the North line and 4,100 feet, more or less, East of the West line of said Section 27 and at plane coordinate position North 1,169,340.18 feet and East 256,789.56 feet based on Transverse Mercator Projection, Alabama West Zone; thence run North 11°14' East for a distance of 1,284.5 feet, more or less, to a concrete monument stamped "115-1", the coordinates of said monument being North 1,170,600.02 feet and East 257,039.88 feet; thence run North 17°55' East for a distance of 2,316.5 feet to a concrete monument stamped "115-2"; thence run North 16°55' West for a distance of 1,405.2 feet, more or less, to the point of intersection with the South right-of-way margin of Alabama Highway No. 86; thence run South 81°02'47" West and along said South margin for a distance of 84.4 feet, more or less, to a point South 08°57'13" East, a distance of 100 feet from centerline P.T. Station 96+91.02 on said highway; thence continue Westerly along a curve to the right with a radius of 2,964.79 feet for an arc

distance of 715.14 feet, more or less, the chord of which bears South $87^{\circ}57'24''$ West 713.41 feet, more or less, to a point South $04^{\circ}52'00''$ West, a distance of 100 feet from centerline P.O.C. Station 90+00 on said Highway No. 86; thence North $75^{\circ}51'59''$ West and along the South right-of-way margin for a distance of 104.31 feet to a point South $06^{\circ}52'00''$ West, a distance of 85 feet, from centerline P.O.C. Station 89+00 on said highway; thence continue Northwesterly along the curving South right-of-way margin, said curve having a radius of 2,949.79 feet, for an arc distance of 2,096.03 feet, more or less, the chord of which bears North $62^{\circ}44'10''$ West for a distance of 2,052.21 feet, more or less, to the point of intersection with the South boundary line of Section 15, Township 21 South, Range 17 West, said point being South $47^{\circ}37'13''$ West, a distance of 85 feet from centerline P.O.C. Station 68+64.37 on said Alabama Highway No. 86; thence run in a westerly direction and along the South boundary line of Sections 15 and 16, for a distance of 3,198 feet, more or less, to the point of intersection with the Alabama-Mississippi State Line; thence run North $06^{\circ}36'53''$ East and along the Alabama-Mississippi State Line, for a distance of 10,592 feet, more or less, to the point of intersection with the North boundary line of Section 9, Township 21 South, Range 17 West, Pickens County, Alabama; thence run in an easterly direction and along the north line of said Section 9, and the north line of Section 10 for a distance of 5,406 feet, more or less, to the northeast corner of Section 10; thence run in a southerly direction and along the east line of Section 10 for a distance of 2,640 feet, more or less, to the Northwest corner of the South Half of Section 11; thence run in an easterly direction and along the North line of said South Half of Section 11 and the North line of the South Half of Section 12 for a distance of 10,560 feet, more or less, to the Northwest corner of the South Half of Section 7, Township 21 South, Range 16 West, Pickens County, Alabama; thence continue in an easterly direction and along the North line of the South Half of said Section 7 for a distance of 5,280 feet, more or less, to the Northeast corner of said South Half; thence run in a Southerly direction and along the East boundary line of Sections 7, 18 and 19 for a distance of 10,560 feet, more or less, to the Southeast corner of the North Half of said Section 19; thence run in a westerly direction and along the South boundary line of the South Half of Section 19 for a distance of 5,280 feet, more or less, to the POINT OF BEGINNING.

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the municipality of Pickensville is on file in the office of the Judge of Probate in Pickens County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:24 P.M.

Act No. 93-357

S. 529 – Senator Ellis

AN ACT

Relating to Shelby County; to further amend Section 7 of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778), as amended, relating to the installation and maintenance of an improved system of recording title to property and other documents recorded in the office of the judge of probate and the collection and disposition of a special index fee therefor, so as to further provide for the index fee and distribution of the additional fee.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778), as amended, is hereby further amended to read as follows:

“Section 7. **Special Recording Fees.** A special index fee of five dollars (\$5) shall be paid to the county, and collected by the judge of probate with respect to each real property instrument and each personal property instrument filed for record in the office of the judge of probate and for the recording of other instruments and documents in the probate office in the discretion of the governing body of the county. After the effective date, no instrument shall be recorded in the office of the judge of probate unless the special index fee of five dollars (\$5) is paid. The special index fee shall be in addition to all other fees, taxes, and other charges required by law for recording any real property instrument or personal property instrument, and for the recording of other instruments and documents in the office of the judge of probate in the discretion of the governing body of the county. All special index fees collected shall be deposited into the county treasury and credited to the account of a special fund to be expended as follows:

“(1) Of the fee collected, four dollars (\$4) shall be designated for payment of initial installation costs and the cost as needed of additional equipment that may be added to the probate office from time to time.

“(2) Of the fee collected, one dollar (\$1) shall be designated for the operating expenses of the Shelby County Constituents’ Office.

The fund shall be managed by the chair of the Shelby County Legislative Delegation Office.

“Any sums deposited or collected in excess of those needed to implement this act may, in the sole discretion of the judge of probate, be expended for the operations of the office of the judge of probate.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:25 P.M.

Act No. 93-358

S. 519 – Senator Ellis

AN ACT

Relating to the City of Alabaster in Shelby County; to establish a civil service system and to provide for classified services; to establish a personnel board and to provide for the appointment, term, and powers of board members; to provide for the establishment of a register and filling of vacancies; and to provide penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to the City of Alabaster in Shelby County and shall be known as “The City of Alabaster, Shelby County, Alabama, Civil Service System Act.”

Section 2. The words, terms, and phrases defined below shall have the following meanings:

(1) **APPOINTING AUTHORITY** means a person, officer, board, council, or other body whose jurisdiction or powers are confined wholly or primarily within the territorial limits of the city and who or which possess final power to appoint persons to services, jobs, offices, or positions, the compensation of which is paid in whole or in part from public funds of the city subject to this act. The mayor and city department heads, the water and gas board and its manager, and the library board and its head librarian are appointing authorities within the meaning of this definition.

(2) **BOARD** means the personnel board created by this act.

(3) **CERTIFICATION** means a submission of names of eligibles from a reemployment list, a promotion list or an eligible register to an appointing authority for the purpose of filling a position in the classified service.

(4) CITY means the City of Alabaster, Shelby County, Alabama.

(5) CLASS means a group of positions in the classified service sufficiently similar in respect to the duties, responsibilities, and authority that the same descriptive title may be used to identify all positions allocated to the class, that the same requirements as to education, experience, capacity, knowledge, proficiency, ability, and other qualifications should be required of the incumbents, that the same tests of fitness may be used to choose qualified employees, and that the same schedule of compensation can be made to apply with equity.

(6) CLASSIFICATION means the assigning of a position to the appropriate class in accordance with its duties, responsibilities, and authority.

(7) COUNCIL means those individuals elected to the city council of the city.

(8) DEPARTMENT HEAD means the top management individual in each of the city's operations divisions, including but not limited to the chief of police, the fire chief, the director of public works, the city clerk-treasurer, and the library director. Each department head is an appointing authority in his or her respective divisions. Department heads are members of the classified service as defined in this act.

(9) DIRECTOR means the personnel director appointed by the mayor with the council's approval.

(10) DISCOVERY means the process apart from the hearing whereby a party may obtain relevant information from another person, including a party, which has not otherwise been provided.

(11) ELIGIBLE means a person whose name is on a reemployment list, a promotion list, or an eligible register.

(12) ELIGIBLE REGISTER means a record containing the names of those persons who have successfully completed prescribed tests, listed and ranked in order of their final earned average from the highest to the lowest, and are qualified for original appointment to positions in the class for which the test was held.

(13) EMPLOYEE or APPOINTEE means a person in the classified service herein established and appointed by an appointing authority, unless specifically exempted.

(14) MAYOR means the individual elected to the official position of mayor of the city.

(15) PAY GRADE means the specific pay range set forth in the pay plan for a classification.

(16) **PAY STEP** means the specific pay rate within a pay range as set forth in the pay plan.

(17) **PERMANENT POSITION** means any position in the classified service which has required or which is likely to require the full-time services of an incumbent without interruption for a period of more than six months.

(18) **PERSONNEL BOARD** means the board created by this act.

(19) **POSITION** means any job or set of duties in the classified service requiring the full-time employment of one person in the performance and exercise thereof.

(20) **PROBATIONARY EMPLOYEE** means an employee appointed to a permanent position from a reemployment list, promotion list, or eligible register who has not completed his or her probationary period.

(21) **PROMOTION** means an advancement from one class to another related occupational class with increased duties or responsibilities, or both, and for which a higher rate of pay is prescribed.

(22) **POLICY, RULE, or REGULATION** means policies, rules, or regulations, adopted by the board in accordance with this act which are considered necessary to carry out this act and to develop a comprehensive civil service system, so long as the policies, rules, and regulations adopted by the board do not modify or change the intent of this act.

(23) **PUBLIC HEARINGS** means a meeting of the board, open to the public, at which any citizen, taxpayer, or party at interest may appear and be heard.

(24) **PUBLIC NOTICE** means a written notice placed upon the bulletin board maintained at or near the entrance to the offices of the city clerk in a place accessible to the public during business hours.

(25) **PUBLIC RECORDS** means a record which the public has the right to inspect in a reasonable manner during ordinary business hours.

(26) **QUALIFICATIONS** means the minimum experience, educational, physical, and personal requirements determining the eligibility of an applicant for examination.

(27) **REEMPLOYMENT LIST** means a list containing the names of persons who have occupied, and have been separated from, permanent positions in the classified service and who are entitled to preference in appointment to vacancies in positions.

(28) **REGULAR EMPLOYEE** means an employee who was appointed under this act to a permanent position and who has completed his probationary period.

(29) **SEASONAL POSITION** means any position in the classified service which requires or is likely to require the services of an incumbent during certain parts of each year, only at recurring annual or other periods.

(30) **SERIES** means a subdivision of a group consisting of two or more classes of positions, similar as to line of work but differing in responsibility or difficulty, which constitutes steps in a normal line of promotion.

(31) **SPECIFICATIONS** means a formal statement descriptive of a position and shall contain:

- a. The title and class.
- b. A description of the duties or responsibilities thereof.
- c. The minimum qualifications required of applicants as to education, experience, physical ability, and other attributes.

(32) **TEMPORARY POSITION** means any position in the classified service which is not permanent, but which requires or is likely to require the services of an incumbent for a period of six months or less.

(33) **TESTS** means written or oral examinations, or both, or other methods established as herein provided to determine the merit, efficiency, and general fitness of applicants for positions.

(34) **TITLE** means the term used to designate all employment by class and grade and shall be descriptive of the duties of the position.

Section 3. 'The purpose of this act is to provide for the orderly administration of city government and shall provide for the following:

(1) The preparation and maintenance of a position classification plan for all positions in the classified service based upon a similarity of duties performed and responsibilities assumed, so that the same schedule of pay may be applied to all positions in the same class. Each position in the classified service shall be allocated to one of the classes in the plan.

(2) A pay plan for all employees in the classified service. The plan shall be composed of salary grades and ranges of pay with minimum and maximum rates of compensation, and those intermittent steps or rates deemed necessary for proper recruitment and retention of personnel. The pay plan shall be fully integrated with the classification plan.

(3) Open-competitive and promotional examinations to determine the relative fitness of individuals meeting announced requirements to perform the duties of the positions in the classified service. The examinations shall be announced publicly and in advance of the date fixed for closing the filing of applications.

(4) The establishment of eligible lists for appointment and promotion upon which lists shall appear the names of successful candidates in order of their relative performance or ranking in the respective examinations. The duration of eligible lists shall normally be for one year.

(5) A rejection of candidates who fail to meet announced job requirements, are found lacking in conduct or character, have attempted any deception or fraud with respect to an examination or candidacy for appointment, or for any other reason deemed just and applicable.

(6) A probationary period of one year before appointment is complete and regular status is conferred on the probationary employee.

(7) Provisional, emergency, temporary, seasonal, and part-time employment.

(8) The preparation and maintenance of records of performance of all employees in the classified service. These records shall be considered in counseling employees regarding work improvements; in determining salary increases and decreases provided in the pay plan; and as a factor in promotion, demotion, lay-off, transfers, and reinstatement.

(9) The development and operation of programs to improve the effectiveness and morale of employees in the public service, including training, safety, health, counseling, and employee relations.

(10) The imposition of disciplinary measures of dismissal, demotion, and suspension without pay; and provisions for appeal from those actions.

(11) The establishment of procedures governing layoff, reinstatement, disciplinary actions, and grievances.

(12) The hours of work and holidays, vacation, sick, and special leave, with or without pay.

(13) The examination and certification of public payrolls by the director of personnel.

(14) Exemptions from the coverage.

(15) Other rules and regulations not inconsistent with this act, which shall aid in its effectiveness.

(16) The prohibition of political activity on the part of any employee in the classified service.

Section 4. (a) There is created a personnel board which shall be composed of three members to be selected as follows: One member shall be elected by the employees of the classified service to serve for a term of four years; one member shall be appointed by the mayor and the council to serve for a term of three years; one member shall be appointed by the two members appointed by the mayor and the council, and elected by the employees of the classified service, respectively, to serve for a term of two years. Each member elected or appointed thereafter shall serve a term of four years, or until their successor is selected and takes office. Vacancies shall be filled for the unexpired term by the selecting authority in the same manner as the original appointees.

(b) Only persons who are qualified resident electors of the city shall be selected to the board. No person shall be selected to the board who, at the time of appointment, or for three years prior to appointment, shall have held public office or political party office or have been a candidate for public office. No person shall be selected to the board who at the time of appointment is an employee of the city.

(c) The board shall:

(1) Meet in regular session at least semiannually and at other times as necessary to transact the business of the board.

(2) Promulgate the policies, rules, and regulations necessary to carry out this act and to develop a comprehensive civil service system.

(3) Review, approve, disapprove, or modify administrative actions and conduct of the program by the director of personnel.

(4) Hear and render decisions relative to disciplinary and related matters as set forth in this act.

(5) Conduct inquiry and investigation as to the force and effect of this act and the operation of the merit system program.

(6) Transact any other business within the purview of the board and within the intent of this act.

Section 5. The mayor, with the council's approval, shall appoint a director of personnel. The director shall be experienced in the field of personnel administration and shall administer an efficient and economical merit system in accordance with the rules arising therefrom, and shall carry out the policies established by the board. Any act of the director complained of shall be subject to review by the board. In addition to the duties and responsibilities set forth elsewhere in this act, the director shall:

(1) Serve as secretary to the board and shall be its executive officer.

(2) Prepare for approval of the board any policies, rules, and regulations needed to carry out this act, including but not limited to, rules governing examinations, recruitment, appointments, suspensions, dismissals, certifications, layoffs, sick leave, vacation leave, and other types of leave, resignations, reinstatements, promotions, demotions, transfers, salary, classification, and other rules deemed necessary for a sound personnel and merit system.

(3) Determine the effectiveness of the system and compliance with this act by the conduct of studies and inquiries deemed necessary, and to report the findings along with any recommendations for improvements to the board. In connection with the investigations or inquiries, the director may administer oaths, issue subpoenas, require the attendance of witnesses, and compel the production of records, documents, and papers pertaining to the subject under consideration.

(4) Study the organization and operation, and manpower requirements of the departments, and to make recommendations for improvements to the council.

(5) Maintain an official roster of all positions and incumbents in the classified service wherein shall be recorded the various personnel transactions affecting the employee.

(6) Establish and administer, subject to approval by the board, plans for the classification of positions in the classified service.

(7) Promote and assist in the establishment of programs for general employee pension, welfare, health, and career development.

Section 6. On the effective date of this act, all employees and appointees holding regular full-time positions in the service of the city shall be granted permanent status in the classified service as hereinafter defined. The service shall be divided into two categories, as follows:

(1) A classified service comprised of all employees and appointees holding regular full-time positions in the service of the city. Employees occupying these positions shall be in the classified service unless specifically exempted from the service under this act.

(2) The unclassified service shall include:

a. Part-time employees.

b. Persons engaged in teaching or in supervising teaching in the public schools.

- c. Officials elected by popular vote.
- d. The judge of any court.
- e. The city attorney.
- f. The city prosecutor.
- g. The administrative assistant to the city's chief executive officer.
- h. The director of personnel.
- i. Common laborers, as determined by the board.
- j. Part-time members of boards.
- k. Attorneys, physicians, surgeons, and dentists who, with permission of the appointing authority of the city, engage in outside similar employment.

Section 7. (a) Public records are those records as defined in section 41-13-1, Code of Alabama 1975. The records may be reviewed in a manner prescribed by the director, taking into account confidentiality, convenience, and related factors.

(b) Minutes of board meetings, active employment rosters, and financial records shall be retained permanently. Applications and examination papers of successful candidates shall be retained for the duration of appropriate eligible registers.

(c) From time to time by public hearing, the personnel board may promulgate policies, rules, and regulations necessary to carry out this act and develop a comprehensive civil service system, so long as the promulgated policies, rules, and regulations do not modify or change the intent of this act. No policy, rule, or regulation shall be promulgated and adopted at the same meeting. No final action on promulgated policies, rules, or regulations shall be taken for at least seven days after its proposal at a public hearing. Adequate notice of public hearings shall be sent to the appointing authorities concerned and to representative employee associations to facilitate wide distribution of the proposed rules. The associations shall provide a current name and address for the personnel board for proper mailing.

Section 8. (a) The classification plan shall provide a complete inventory of all positions in the classified service and an accurate description and specifications for each class of work. The plan shall standardize titles so that each is indicative of a definite range of duties and responsibilities and has the same meaning throughout the classified service.

(b) The classification plan shall consist of:

(1) A grouping in classes of positions which are approximately equal in difficulty and responsibility that call for the same general qualifications, and that can be equitably compensated within the same range of pay under similar working conditions.

(2) Class titles that are descriptive of the work of the class, and identify the class. These class titles shall be used in all personnel, accounting, budget, and related records. No person shall be appointed to or employed in a position in the classified service under a title not included in the classification plan. Working titles may be used in the course of departmental routine to indicate authority, status in the organization, or administrative rank.

(3) Written specifications for each class of positions consisting of: A title which is descriptive and consistent with other titles in the plan; a brief overall description of the kind and level of work; examples of typical duties performed in positions in the class; qualification requirements setting forth the necessary experience, education, or other requirements; and the required knowledge, skills, and abilities needed in order to perform the work. Specifications shall be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples shall not be isolated and treated as a full definition of the class. Specifications shall be descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed.

(4) An allocation list showing the class title of each position in the classified service as identified by the name of the incumbent.

(c) The classification plan shall be used:

(1) As a guide in recruiting and examining candidates for employment.

(2) For determining lines of promotion and in developing employee training programs.

(3) For determining salaries to be paid for various types of work based on wage surveys and job analysis.

(4) For determining personnel service items in departmental budgets.

(5) For providing uniform job terminology understandable by all officials, employees, and the general public.

Section 9. The director shall prepare or direct the preparation of the classification plan. When the plan is completed, the director shall submit to each department head a copy of the tentative class specifications for each position class and a list allocating the positions in the jurisdiction to the tentative position classes. The department head shall notify employees about the allocation

of their respective positions. A copy of the class specification and individual allocation shall be made available to the employee or his or her representative on request.

Section 10. (a) The director shall maintain the classification plan so that it will reflect the duties performed by each employee in the classified service and the class to which each position is allocated. The director shall:

(1) Recommend to the board the establishment of new position classes and the deletion or revision of existing classes.

(2) Review the duties and responsibilities of each new position established, and with the approval of the board, allocate the position to the appropriate position class. The department head shall submit to the director, in writing, a comprehensive job description describing in detail the duties of each new position established.

(3) Make periodic studies of positions to determine changes in duties and responsibilities and based on findings recommend reallocation or reclassification of positions. Classification studies may be made at the request of the employee, department head, or on the initiative of the director. Changes in duty assignments must be more than temporary in nature and the incumbent must be performing the duties for a sufficient duration to warrant investigation.

(4) Direct the grading and classifying of all positions in the classified service at least once every five years.

(b) When a position is reallocated to a higher position class, a lower position class, or another position class at the same level, the method of filling the position shall be determined under this act regarding transfers, demotions, or promotions as may be appropriate.

Section 11. (a) The pay plan shall provide the basis of compensation for employees in the classified service. The plan shall be constructed to provide fair compensation for all classes in the classification plan with due regard to such factors as:

(1) Varying degrees of difficulty and responsibility among the several classes of work.

(2) Prevailing rates of pay and fringe benefits for similar employment in private establishments and other public jurisdictions in the area.

(3) Recruiting experience for the several classes of work.

(4) Financial conditions of the city.

(b) The pay plan shall contain:

(1) Special and specific provisions for administering the plan.

(2) A basic salary grade for each position class in the classification plan.

(3) A basic salary schedule containing the minimum rate, maximum rate, and intermediate rate of pay for each salary grade; and a conversion of rates for basis of payment.

(4) The basis of pay indicating the number of weekly work hours in general application to the classified service or exceptions thereto.

(c) After consultation or offer of consultation with the council and employee representatives, the director shall prepare the pay plan for the various classes of work in the classified service. When completed, the plan shall be submitted to the mayor and the council for approval.

(d) The director shall furnish copies of the pay plan to all groups concerned and shall provide the opportunity for department heads, employees, and the public to present their views individually or collectively. Upon final adoption by the mayor and the council, the plan shall be certified by the director and delivered to the appropriate department heads. The plan shall become effective within 30 days after its adoption by the council.

(e) The pay plan shall be amended in accordance with the following procedures:

(1) When the mayor and the council add a new position class to the classification plan and fix the salary grade.

(2) Prior to amending the pay plan, the mayor and the council shall provide an opportunity for department heads and employees to present their views.

Section 12. Each employee in the classified service shall be paid at a rate set forth in the pay plan for the classification in which he or she serves, in accordance with the provisions for administering the pay plan.

(1) New appointments to the classified service shall be made at the beginning rate of the salary range for the classification to which the appointment is made.

(2) Salary advancement within established salary ranges shall be based on meritorious performance on the job and shall be in accordance with the provisions for administering the pay plan. An efficiency rating reflecting satisfactory performance shall be required for advancement. An employee with continued satisfactory service shall be eligible for future annual increases until such time as the maximum rate for the range is reached.

(3) In the event a classified employee is promoted, transferred, or demoted, his or her rate of pay for the new position shall be determined as follows:

a. Upon promotion, the incumbent's regular base pay shall determine the new rate in the promotional class. The new rate shall be the larger of:

1. A one step increase above the former rate.
2. The entrance rate for the promotional class.

b. When an employee is demoted, compensation shall be reduced to the salary prescribed for the class or grade to which demoted. The particular rate shall be determined by the period of employment in the classified service. In no event shall the salary exceed the maximum rate of the new classification.

c. When an employee is transferred from one department to another, the step in the pay range shall remain unchanged. All transfers shall be approved by the department head concerned, director of personnel, and the mayor.

(4) In the event the rate of pay of a supervisor is less than or equal to the base rate of pay of subordinates directly supervised in lower related classes, the rate may be advanced in grade by the mayor and the council. In no event shall the new rate be more than one pay step above the highest rate currently received by an employee in the lower class.

Section 13. (a) Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well qualified candidates for the various types of positions. Employment, therefore, shall not necessarily be limited to residents of Shelby County, Alabama.

(b) The personnel director shall prepare, or supervise the preparation of, recruiting notices to publicize vacancies and to provide candidates for the public service positions. Announcements shall set forth the time, place, requirements, and weight of various sections of tests and periods of application. The minimum periods of time between public notice and closing dates for applications shall be 14 days for open-competitive examinations, and seven days for promotional examinations.

(c) All applications for employment and examinations shall be made on forms prescribed by the director during the periods of time stated in the announcement. However, for good cause and in the interests of the service, the director may extend the closing date for accepting applications up to the examination date without reannouncement. All persons who appear to meet the minimum

requirements set forth in the public notice may apply for examination upon filing the prescribed forms within the time required. Notwithstanding the foregoing, the director may refuse the application of any person who has taken the same or a similar examination within 30 days prior to the scheduled examination. Application forms shall be furnished from the office of the board.

(d) As part of the preemployment procedure, former supervisors, employers, police, and FBI files, plus references provided by candidates shall be checked as a precaution against obtaining undesirable employees. Reference checks made by personal or telephone contact shall be documented and made part of the applicant's file. These reference checks may or may not be completed prior to an offer of employment and the information shall be handled as privileged information.

Section 14. (a) The director may remove from further consideration at any time the application of an applicant who:

(1) Does not possess the minimum qualifications.

(2) Has established an unsatisfactory employment or personnel record as evidenced by reference check that would demonstrate unsuitability for employment.

(3) Has made false statement of any material fact or practiced deception or fraud in the application, examination, or medical history.

(4) Is afflicted with any mental, physical, or medically disqualifying disease or defect that would prevent satisfactory performance of his or her duties.

(5) Is believed to be addicted to or is a habitual user of drugs or intoxicants.

(6) Has been guilty of infamous or disgraceful conduct.

(7) Has an unsatisfactory driving record as evidenced by a pattern, frequency, or severity of traffic violations.

(8) Has refused or failed to report for interview after certification to an appointing authority.

(9) Has failed to report for duty at the time and place designated after appointment.

(10) Has failed to respond to any official notice or phone call from the director or appointing authority.

(11) Has failed to notify the personnel department or postal authorities of a change in address.

(12) Has been certified and rejected three or more times.

(13) Has passed the maximum age prescribed in the announcement for the classification.

(14) For any other good cause not inconsistent with the intent of this act.

(b) All applicants disqualified shall be notified immediately. An applicant who is disqualified may appeal to the board within 10 days after notice by filing a written request for a hearing.

Section 15. (a) All appointments in the classified service, either at entrance level or promotional level, shall be made upon the basis of merit, efficiency, and fitness of applicants for positions determined as far as practical and possible by competitive examinations. All announcements and examinations shall be prepared and weighted under the supervision of the director. Examinations shall be thorough and practical and shall relate to those matters which fairly test the relative capacity and fitness of those examined to discharge the duties of the classification.

(b) Examinations may be assembled or unassembled, and either open-competitive, promotional competitive, a combination of promotional and open-competitive, or qualifying.

(1) An unassembled examination may be held whenever the director determines that applicants are not available in sufficient numbers to justify holding assembled examinations, and he or she may authorize conducting unassembled examinations. Unassembled examinations shall be continuous until the director determines that enough qualified applicants have been examined to establish an eligible list.

(2) An open-competitive examination is any examination in which competition is open to all applicants meeting the announced requirements for admission to the examination.

(3) A promotional examination is any examination in which competition is limited to present employees. The examinations shall customarily be restricted to employees serving in lower related classifications and possessing permanent status. However, additional training, education, or experience beyond permanent status may be required as determined by the director in the best interests of the service.

(4) A qualifying examination is for certain classes of work where competition is impractical or the needs of the service are such to render competition impractical, and the personnel director may provide for qualifying examinations. The examinations may be limited to employees of the public service to fill existing positions. The examinations may consist of an evaluation of the candidates' qualifications based upon efficiency rating by competent

authority and physical fitness to perform the work or other methods as may be determined by the director, not inconsistent with the needs of the public service.

(c) Examinations shall consist of any, all, or part of the following examinations, sections, parts, or tests. However, no questions in any examination, form, or application or any other proceedings shall be framed to elicit the political or religious beliefs of applicants, or in any way discriminate for or against an applicant because of his or her sex, nationality, race, or color.

(1) When required, a written test shall include a written demonstration designed to show the familiarity of competitors with the knowledge involved in the class of positions to which they seek appointment, their ability in the use of English, the range of their general information, or their general educational attainments. A formal essay upon one or more subjects may be required if desirable.

(2) A mental test when required shall include any test or tests, whether written or oral, to determine mental alertness, general capacity of applicant to adjust their thinking to new problems, or to ascertain special aptitudes, character, or personality traits.

(3) A performance test when required shall include tests of performance as would determine the ability and manual skills of competitors to perform the work involved.

(4) A physical test when required shall consist of tests of bodily condition, muscular strength, coordination, agility, and physical fitness of competitors. This may be given a weight in the examination or may be used in excluding from further examination those applicants who do not meet the required minimum standards.

(5) An oral interview when required shall include a personal interview with competitors for classes of positions where ability to deal with others, to meet the public, or other qualifications are to be determined. An oral test may also be used in examinations where a written test is unnecessary or impractical.

(6) When required, training and experience shall be marked from the statements of the education and experience contained in the application form or from whatever supplemental data as may be required. Results of the reference checks may be a part of the evaluation of training and experience.

(7) A medical examination to determine that applicants are physically capable of performing efficiently the duties of the position and are free from such defects or diseases that would constitute employment hazards to themselves, or endanger the safety, health, and welfare of fellow employees or others is required.

Medical examinations may be performed by the city's designated physician or physicians in accordance with the city's duly adopted medical standards. Medical reevaluation on any classified employee may be ordered by the director if at any time the employee's performance of duties becomes deficient, or if the health or physical condition of the employee constitutes an employment hazard to the employee or endangers the safety, health, and welfare of fellow employees or others.

(8) The director may, in cases of physical handicaps or medical conditions, permit the employment of handicapped eligible candidates who may not meet all of the physical or medical requirements of the classification. If the eligible candidate is physically and medically capable of performing all of the duties of the specific position under consideration without risk to the health, safety, and welfare of others or himself or herself, and that the physical or medical conditions are not progressively deteriorating conditions.

(9) Additional promotional examination provisions are parts of the examination process or content and are in addition to those cited in subdivisions (1) to (8), inclusive. They are applicable only to examinations on promotional or promotional open-competitive examinations.

a. In the event of the announcement of an examination on a promotional basis, the preceding employee efficiency rating or promotional potential rating form of employees who make application shall be used in addition to the other announced requirements to establish eligibility for examination. The minimum efficiency grade or rating for promotional eligibility shall be a superior rating or the numerical designation as may reflect superior performance and potential as determined by the director.

b. Each promotional candidate who attains an overall passing grade of 70 or more on the required announced or weighted tests, parts, or portions of a promotional basis examination shall have added to his or her grade or score one point for each year of full-time employment in the classified service up to and including 20 years. All absences from duty excepting vacations and sick leave allowances, plus military leaves, shall be deducted to determine credit to be allowed for seniority credits.

Section 16. (a) Sound measurement techniques and procedures shall be used in rating the results of tests and determining the relative ranking of the candidates. In all examinations the minimum rating standards for each test, or parts or sections thereof shall be established under the supervision of the director. Candidates may be required to attain at least a minimum rating on each test in order to receive a passing grade or to be rated on

the remaining parts of the examination or test. No person whose final earned average on the examination is less than 70 shall be placed on the employment register. The final earned rating of a competitor shall be determined by averaging the earned rating on each part of the examination in accordance with the weight established for each part prior to the date of the examination and announced in the public notice of the examination.

(b) Whenever two or more applicants have a like final earned average, ties shall be resolved by the following order of methods:

(1) First, the order of ratings on the most heavily weighted part of the examination shall be used.

(2) If a tie still exists and the candidates are competing on a promotional basis, the candidate with the greatest seniority in the service shall be ranked first.

(3) If a tie still exists, then the date of application for examination shall be used.

(4) If a tie still exists, then the date of original application for employment shall be used.

(5) Finally, if a tie still exists, then the lowest application number of the applicants shall be used.

(c) Each person who takes an examination shall be notified by mail of his or her standing in the group or of his or her failure.

(d) Each person who takes a promotional examination shall be entitled to inspect the examination rating with the appropriate scoring key for 30 days after notices of results have been mailed. The questions used in promotional and other tests and examinations may be kept confidential and not subject to inspection at the discretion of the director. All examination papers may be destroyed upon the expiration of the eligible register and exam papers of failing applicants may be discarded 60 days after examination.

(e) No request for a change of an examination rating shall be entertained by the director unless the request is made within 30 days after notice to the applicant of his or her rating, and the applicant specifies the matters to which he or she objects. No change in ratings shall be made unless some manifest error shall appear in the face of the paper. Notwithstanding the foregoing, no appointment previously made shall be changed or cancelled. If a review of rating results in a change of position on a list or register, all persons so affected shall be notified by mail.

(f) With the approval of the board, the director may order a special or supplementary examination giving reasons therefor in writing. A classified employee with permanent status who is prevented

from competing in a promotional examination for a valid reason beyond his or her control, or because of his or her absence on an authorized military leave, and who is reinstated to his or her position before the expiration of the eligible list, shall, upon his or her request, be given the opportunity to take the same or an equally difficult examination. No request for supplemental examination shall be entertained after 24 hours from the date and time of the announced examination. The director shall determine if the same test or one of equal difficulty shall be entered on the original promotion list in accordance with his or her final earned average. If the final earned average of the employee is higher than that attained by the person who was last promoted from that list, and if the vacancy filled by the promotion was in the department in which the employee is employed, he or she shall be entitled to be certified immediately. However, no applicant competing on an open basis shall be granted a special or supplementary test unless the failure of an applicant to appear at the stated test was due to manifest error on the part of the director or his or her staff.

(g) If during an examination, an applicant is found to be using, without permission, any extraneous information such as other candidates' papers, memoranda, crib notes, pamphlets, or books of any kind, his or her test papers shall be taken and the director shall give them a grade of zero and note on the test papers the reason for the marking. The applicant shall be barred from taking any future examinations. No person shall willfully or corruptly make a false mark, grade, estimate, or report on an examination with respect to the proper standing of any person examined, or willfully or corruptly make any false representation concerning any person examined; or furnish to anyone special or secret information for the purpose of improving or injuring the prospects or chances of the appointment, employment, or promotion of any person examined or to be examined. Any person guilty of these acts is guilty of a misdemeanor.

(h) The director may cancel, postpone, reschedule, or reannounce any examination for any good and sufficient reason deemed in the best interest of the service. Irregular incidents shall be reported to the board and appear in writing with the reason for the action.

Section 17. (a) The director shall establish and maintain any eligible or employment registers for the various classes of positions deemed necessary to meet the needs of the service. Names of eligibles shall be placed on lists in the order of their examination grades ranked from highest or first to lowest or last.

(1) Open-competitive lists shall contain the names and final grades in order of rank for those applicants attaining a minimum

passing score on the open-competitive examination. Duration of the lists shall be for a period of one year from the date of approval by the board unless the list is depleted or extended by action of the board.

(2) Promotion lists shall contain the names and final ranked grades of employees attaining qualifying grades on promotional competitive examinations. Duration of the lists shall be for one year from the date of approval by the board unless the list is depleted or extended by action of the board. In the event that a combination open-promotional list is established, the promotional list shall take precedence over the open list.

(3) A layoff list is an eligible list which contains the names of former permanent status employees who were separated from various classes because of a lack of work or funds, or whose positions were abolished as a result of departmental reorganization or for some other just reason. The names of the former employees shall be placed on the list in the order of seniority. Duration of the lists shall be for a period of two years. Employees in probationary status shall have their names reinstated at the top of the appropriate eligible list. When there are two or more employees who are equal in seniority, they shall be placed on the layoff list in the order of their efficiency records. The method of defining layoff procedure shall be determined by the director in accordance with this act.

(4) In the absence of an eligible list for a particular class within which a vacancy exists, the director may certify from a list of a related class that the director deems appropriate. The appropriate or related list shall be for a class having substantially the same requirements as the class in which the vacancy exists, and the pay range shall be commensurate between the classes.

(b) Whenever there are fewer than three names of available eligibles remaining on a list, or if a demand is anticipated for more candidates for employment than an existing list may satisfy, the director may order a new examination and shall consolidate the existing names on the list with the new names. All persons whose names appear on an existing list that is to be merged after a new examination shall be notified of the opportunity to compete in the second examination. Should the persons elect not to appear or refuse reexamination, their names shall be certified first from the new consolidated list for a period of one year from the date the original list was approved by the board. Should they elect to be reexamined, the grade earned on the last examination shall be their official grade without regard to their previous grade. The names of candidates who compete successfully on unassembled examinations shall have their names integrated on the eligible lists in the order dictated by their grades. However, notice to existing eligibles as to

their relative positions on the lists shall be waived and an appropriate notice shall be placed on the announcement of this process.

(c) When an applicant is employed through certification, his or her name shall be removed from the appropriate eligible list. In addition to the reasons for disqualification cited in this act, eligible candidates shall have their names removed from eligible lists at the expiration date of the eligible list.

(d) (1) Any former employee with permanent status who has been separated from the classified service without fault or delinquency may, within two years from the date of resignation or separation, request reinstatement to the appropriate eligible list for the class in which he or she served. The request shall be made in writing and subject to the recommendation of the director and the approval of the board. Upon approval, the name of the former employee shall be placed at the bottom of the appropriate open-competitive list for one year's duration.

(2) Unless otherwise determined by the board, a former employee so appointed shall enter at the beginning rate for the class and shall serve a probationary period for one year. In addition to the foregoing conditions, the applicant for reinstatement shall meet the physical standards for the class for which reinstatement is applied. The medical examination shall be administered by a physician designated by the board and the applicant shall bear the cost of the examination. As a further requirement, the age of the applicant at the time of reinstatement shall not exceed the maximum age as specified on the last examination announcement for the class to which reinstatement is requested.

Section 18. (a) Based on the receipt of an authorized requisition from an appointing authority, the director shall certify or refer the name of eligibles from the appropriate eligible lists in the following priority and manner:

(1) First, the name of the ranking former employee of the department for each vacancy from the layoff list, if any, who shall be appointed.

(2) Second, the five ranking names of former employees of other departments for each vacancy from the layoff list, if any, shall be used.

(3) Third, the five ranking names of the employees of a department for a vacancy, if and only if, they are the ranking eligibles on the promotional list from the department in which the requisition originated, shall be used.

(4) Fourth, for each vacancy, the five ranking names of employees from other departments on the promotional list, if any, shall be used.

(5) Fifth, for each vacancy, the five ranking names of eligibles from the open-competitive list, if any, shall be used.

(6) Sixth, in the absence of an eligible list for the class and at the discretion of the director, the names of eligibles from an appropriate or related list, if any, may be used. The five ranking names of eligibles on related lists shall be certified for each vacancy.

(7) In general, all entry level positions to be filled from open-competitive lists shall be filled by the rule of five with one additional name for each vacancy past the first vacancy.

(8) In the event the city accepts and utilizes federal funds for the creation of public employment opportunities, the positions, when budgeted on a full-time basis for 12 months, shall be treated as any other regular position in the classified service being entitled to earn and use sick and vacation leave in the customary manner. If the applicable federal regulations controlling the use of the funds prescribe unusual or exceptional prerequisites for employment in the program, the director, subject to approval of the board, may prescribe the manner in which the position shall be filled and related conditions of employment.

(9) In filling promotional level positions from promotional lists, the rule of five shall apply, and if more than one vacancy is to be filled, one additional eligible for each additional vacancy shall be certified.

(b) Bypassing of names on eligible lists shall be administered as follows:

(1) No employee, whether permanent or probationary, who has been suspended or otherwise disciplined shall be certified as eligible for promotion or advancement to another class or position within one year following the imposition of the penalty.

(2) Before being certified, an eligible may waive certification rights for a period not to exceed six months. A waiver request by an eligible shall be in writing stating the reasons for the request. The request shall be approved by the director, taking into consideration the needs of the service and interest of the employee. During the period for which waiver is granted, the eligible shall not be certified or considered for appointment.

(3) Any department head may request a waiver of certification of an employee from a promotional list and shall so state in writing to the employee with a copy to the director. To waive as requested, the employee shall reply to the employer in writing with a copy to the director.

(4) Except as otherwise provided in this act, no eligible shall be bypassed for certification.

(c) (1) The director shall certify the following additional eligibles: one for each eligible who, after certification, either declines appointment at the time of interview or offer of employment, or who is subsequently disqualified.

(2) An appointing authority may exercise his or her right of five eligibles who are willing to accept appointment before making the final selection for employment. However, if an appointing authority exercises this prerogative, no provisional appointment shall be authorized if more than one and less than five eligibles are available who are willing to accept employment. The reannouncement of the examination to establish a new list shall be at the discretion of the director, but shall not come later than 45 days after receipt of the request.

Section 19. (a) (1) Vacancies and newly created positions in the classified service shall be filled either by transfer, promotion, appointment, reappointment, or demotion.

(2) When a vacancy exists for a department head, the mayor shall inform the director of the vacancy. The director shall then certify to the mayor, eligibles from the appropriate list. The mayor, with approval of the council, shall then make an appointment from the names certified to him or her within 10 days after the posting of the certification.

(3) Whenever a vacancy exists within a department of the city, the department head shall submit to the director a statement of the title of the position, and if requested by the director to do so, a statement of the duties and desired qualifications of the position. The director shall then certify to the department head from the appropriate lists. The department head shall then make an appointment from the names certified within 10 days after the posting of the certification, or shall notify the director, in writing, of the withdrawal of the requisition with the reasons for the withdrawal.

(b) Appointments to the classified service shall be one of the following types:

(1) An appointment to a full-time permanently budgeted position made from a certified eligible list shall be a probationary period. The probationary period shall be an integral part of the examination process, and shall be utilized to evaluate the employee's performance on the job and for dismissing any employee who does not meet the required standards of performance. The probationary period shall be one year from the date of appointment with no interruptions in service.

a. An employee in probationary status may be discharged without the right of appeal.

b. A promotional probationer who is demoted for unsatisfactory service may return to the position held prior to appointment, if still vacant. In the event the position is filled, the director shall determine the manner in which the employee shall be retained in the service, being closely guided by the provisions governing layoffs and reductions in force. The demoted employee may elect to separate from the service and have his or her name retained on the layoff list for the classification of the former position for a period not to exceed two years.

(2) Employment of an eligible from an eligible list in a full-time permanently budgeted position, after the satisfactory completion of a probationary period, shall be a permanent appointment.

(3) In the absence of an eligible list, the director may, for urgent need, authorize the filling of a vacancy by provisional appointment. Any candidate for provisional appointment shall meet educational, experience, and related requirements set by the director. Provisional appointment shall be for a period of not more than four months. No provisional appointment shall be continued for more than 10 days after the establishment of an eligible list for the class. Any provisional employee failing to qualify by examination shall be separated from the service after the appropriate eligible list is certified. The provisional appointment of an individual shall not confer on the appointee any rights of status, appeal, or related rights set forth under this act.

(4) The appointment set forth in this subdivision may be made to fill positions of a seasonal, part-time, temporary, student, or intern nature. An appointment set forth in this subdivision shall not confer any right of status, appeal, or any related right.

a. Seasonal appointments may be granted for work which is seasonal in nature. No seasonal appointment shall extend beyond four months or the work season in question. All candidates to be considered shall meet the requirements set by the director.

b. Part-time appointments may be granted for work which requires the service of an employee for less than the number of hours of a full-time or typical work week. Candidates for appointment shall meet the requirements set by the director.

c. Student and intern appointments have the purpose of affording students of public administration, and other professional areas, an opportunity to gain actual work experience in the public service. The appointments are viewed as intermittent employment for a definite period of time, not to exceed six months of full-time work in any 12-month period. Candidates for appointment shall meet the requirements set by the director.

d. Temporary appointments may be granted for positions in departments in which work loads may fluctuate and require the services of some employee on a full-time basis up to, but not over six months duration. Candidates for temporary appointments shall meet the requirements set by the director.

e. During a war or nationally declared emergency period, the director may, in the absence of any appropriate eligible list, authorize a limited tenure appointment without examination. The appointment shall be for not longer than the duration of the war or emergency plus six months, and shall give the persons appointed no status in the classified service.

f. An emergency, as used herein, means an unforeseen condition which is likely to cause loss of life or loss or damage to property or the stoppage of service, or serious inconvenience, to the public. Upon receipt of request from a department head citing the emergency condition, the director may authorize an emergency appointment not to exceed 30 days. The manner of appointment and rate of compensation shall be set by the director.

g. Positions created in the classified service through federally financed public employment programs, Comprehensive Employment and Training Act, and related programs shall terminate at cessation of the federal funding and shall not confer any right of tenure or permanency to incumbents.

h. An eligible who has been temporarily appointed or appointed to a seasonal or part-time position from an eligible register and who at the time of the appointment was a ranking eligible at the time of certification, willing to accept the appointment under the conditions and for the period stated, may be permanently appointed to the position irrespective of the number of higher ranking eligibles available only for permanent appointment. The appointment may be made only when:

1. The fact that the position would become permanent was not known to the department head at the time the temporary, part-time, or seasonal appointment was made.

2. The incumbent has worked the stipulated time period for which the initial appointment was made.

- i. All permanent appointments arising out of the foregoing provisions must be approved by the director.

(c) No officer or employee of any department of the city shall make or approve any payment for personal services to any person holding a position in the classified service unless the position was filled from a certified list of eligibles approved by the director. The

director may refuse to certify the payroll, voucher, or account of any ineligible person found to be performing the duties of a position.

Section 20. (a) Vacancies in positions above the lowest rank in any category in the classified service shall be filled as far as practical by the promotion of employees in the service. In each case, the director shall determine whether an open-competitive or promotional examination will serve the best interests of the service in attracting well qualified candidates. Promotions in every case must involve a definite increase in duties and responsibility. The change of an employee from a position in a class to a position in another related occupational class for which the maximum rate is higher shall be deemed a promotion.

(b) (1) An employee may be demoted to a position of a lower grade for which he or she is qualified for any of the following reasons:

a. The employee would otherwise be laid off because the position is being abolished or reclassified to a different grade, there is a lack of work or funds, or another employee returns to the position from an authorized leave.

b. The employee does not possess the necessary qualifications to render satisfactory service in the position.

c. The employee is removed during probation.

d. The employee voluntarily requests the demotion.

e. The employee is demoted for disciplinary reasons.

(2) All demotions shall be approved by the director and the appointing authority. If a nonprobationary employee is demoted against his or her will, he or she may appeal to the board as provided in this act.

(3) The change of an employee from a position in a class or job to another class or job for which the maximum rate is lower shall be deemed a demotion and shall be effected in accordance with this act.

Section 21. (a) A department head may, at any time, assign a classified employee under his or her jurisdiction from one position to another in the same class regardless of the shift, location, hours of work, or other consideration as long as the work-week basis remains the same. Any transfer made pursuant to this subsection shall be made with the retention of all rights of seniority, vacation, sick leave, and overtime as the employee may have accrued.

(b) A department head may assign any employee in the classified service under his or her jurisdiction any duties as long as the

duties are within the same classification. No employee in the classified service may be assigned duties of a different class for a period in excess of one year. Any and all assignments outside the classification shall be immediately reported to the director.

(c) In the event that it becomes necessary because of lack of work, lack of funds, or advisable in the interest of economy to reduce staff, the following procedure shall govern the layoff:

(1) The reason for the layoff shall be reported in writing and shall stipulate the number and classifications to be affected.

(2) The director shall determine, in consultation with the appointing authorities, the organizational units to be affected by the layoff.

(3) If the reduction is departmental, then the layoff shall be made by laying off the employees in the classification to be affected by the layoff who are provisional, temporary, seasonal, part-time, or probationary, if any. From that point, layoff shall be of permanent employees in the classification on the basis of their relative seniority. In the event there are two or more employees who would be affected by the layoff and have equal seniority, the employee who stands lowest on the efficiency or performance ratings last regularly filed with the director shall be laid off first.

(4) If the reduction is of a general nature or citywide, the director, after consultation with appointing authorities, shall determine the manner of layoff, taking into consideration the number and classification of positions to be reduced. In all instances, seniority shall govern except in the cases of two or more employees having equal seniority, in which case, efficiency or performance ratings shall be applied as provided in this act.

(5) Subject to subdivisions (6) to (8), inclusive, an employee who is laid off in a department that has other classifications or grades lower than the classification or grade from which the employee is laid off, may work in any other lower classification or grade in the same department, if the director finds that he or she is qualified to perform the duties of the lower classification or grade.

(6) Where an employee laid off elects to drop to a lower classification or grade, and where the appointing authority reduces the number of employees in the lower classification or grade, the reduction shall be made in the same manner provided by this act for layoffs, except that the reduction shall in no case cause the layoff of any permanent employee in the lower classification or grade who has more seniority in the department than the employee laid off from the higher classification or grade. A person laid off from a

classification or grade shall have the right, while in the service or on the layoff list, to return to the position from which he or she is laid off in the event the position is refilled.

(7) The duties performed by an employee laid off may be assigned to any other permanent employee in the department or office, who in the opinion of the director, is qualified to perform the duties regardless of the specific classification or grade to which the employee is allocated.

(8) Any employee affected by a layoff shall be given notice of at least 15 days.

Section 22. (a) The tenure of every employee in the classified service shall be conditioned on the satisfactory conduct of the employee and the continued efficient performance of assigned duties and responsibilities. An employee serving a probationary period may be disciplined or dismissed by an appointing authority without right of appeal. The reasons for the action shall be furnished in writing to the employee and the director. A permanent employee may be dismissed, demoted, or suspended for cause or for any reason deemed to be in the best interest of the public service and shall have the right of appeal as set forth in Section 23 of this act.

(b) The following are among the causes which are sufficient for dismissal, demotion, or suspension:

- (1) Absent without leave.
- (2) The commitment of any criminal act.
- (3) Conduct unbecoming an employee in the public service.
- (4) Conviction of a criminal offense or of a misdemeanor involving moral turpitude.
- (5) Disorderly or immoral conduct.
- (6) Failure to pay or make proper provision for the liquidation of just debts.
- (7) Incapacity due to mental or physical disability of a permanent nature.
- (8) Incompetency or inefficiency.
- (9) Insubordination.
- (10) Intoxication while on duty or public intoxication while off duty.
- (11) Neglect of duty.
- (12) Negligence or willful damage to public property or waste of public supplies or equipment.

(13) Violation of any regulations or orders published, made, or given by a superior officer.

(14) Willful violation of any provision of this act.

(15) For any other reason deemed to be in the best interest of the public service.

(c) (1) Notice of dismissal or demotion shall be in writing and shall set forth:

a. The cause of action.

b. The date dismissal or demotion is to become effective.

c. Any other information deemed appropriate.

(2) A copy of the notice shall be delivered to the director on the same day that the notice is served on the employee. Notification shall be made prior to or on the date the dismissal or demotion is to be effected.

(d) A department head may suspend without pay an employee in the classified service. In the event the suspension or suspensions do not exceed an aggregate of five calendar days as a singular offense or 10 days cumulative in any year of service, the employee shall not have the right of a hearing. If the suspension or suspensions exceed the five-day limitation for a single offense or 10-day cumulative limitation, a permanent employee may appeal as provided in Section 23 of this act. The suspension shall be effected by service upon the employee by the department head of a written statement of the delinquency for which suspension was made with a copy delivered to the director. The suspended employee may file an answer with the board and the department head.

Section 23. (a) An employee with permanent status may appeal disciplinary action of dismissal, demotion, or suspension. An employee desiring to appeal shall, within 10 calendar days after notice of disciplinary action, file with the director in duplicate, a written answer to the charges and request a hearing. The answer shall contain:

(1) The reason of dismissal, demotion, or suspension.

(2) An admission or denial of guilt.

(3) Reasons why the dismissal, demotion, or suspension should not take effect. Upon receipt of the appeal, the director shall forward a copy thereof to all parties concerned.

(b) (1) The board shall order a public hearing of the charges. The hearing shall be for the purpose of determining whether or not the employee, by reason of his or her act or acts as charged and his

or her record of service, merits retention in the service or should be removed therefrom or otherwise disciplined. To that end, the board shall not be bound by the technical rules of evidence but shall diligently seek all the information bearing on the merits of the case. Either party at interest may be represented by counsel.

(2) The hearing may be before the board or a hearing officer appointed by the board. If the matter is heard by a hearing officer appointed by the board, the hearing officer shall be a practicing attorney licensed in the state of Alabama who shall take testimony offered in support and denial of the charges and therefrom shall submit to the board within five days, a finding of facts involved and a recommended decision. The board at its next regular or special meeting shall consider the report and modify, alter, set aside, or affirm the report and certify its findings to the appointing authority who shall forthwith put the same into effect. If the personnel board hears the charges, it shall make its own opinion and decision.

Section 24. (a) (1) Discovery may be obtained by one or more of the methods provided under the Alabama Rules of Civil Procedure, including, but not limited to, written interrogatories, depositions, requests for production of documents or things for inspection or copying, and requests for admissions addressed to parties. The Alabama Rules of Civil Procedure may be used as a general guide for discovery practices and proceedings before the board. However, the Alabama Rules of Civil Procedure shall be deemed instructive rather than controlling. A party seeking discovery from another party shall initiate the process by serving a request for discovery on the other party.

(2) When a request for discovery is directed to an officer or employee of the city, the city shall make the officer or employee available on official time for the purpose of responding to the request, and shall assist the officer or employee as necessary in providing relevant information that is available to the city. A party seeking discovery from a nonparty officer or employee of the city shall initiate the process by serving a request for discovery on the nonparty officer or employee. Discovery from other nonparties may be initiated by serving a request for discovery on the nonparty directly. Absent a request or upon failure to obtain voluntary cooperation, discovery from a nonparty may be obtained by a written motion directed to the board or a hearing officer appointed by the board, showing the relevance, scope, and materiality of the particular information sought, and in addition in the case of a deposition, the date, time, and place of the proposed deposition.

(3) A ruling on the motion shall be issued by the board or a hearing officer appointed by the board that shall be served on the moving party as well as the director. If the motion is approved, it

shall be the duty of the director to subpoena the individual or entity from which discovery is sought, specifying the manner and time limit for compliance. Initial requests of motions for discovery shall be served within 20 calendar days after an employee desiring to appeal disciplinary action of dismissal, demotion, or suspension, files with the director a written answer to the charges and requests a hearing. A party or nonparty shall file a response to the discovery request promptly, but not later than 15 calendar days after the date of service of the request or an order of the board.

(b) The director shall subpoena witnesses other than character witnesses, for or against the employee upon written request and affidavit that their testimony is necessary. Employees in the classified service shall be required to attend and testify without subpoena.

Section 25. (a) The board shall render its decision within 10 calendar days after the conclusion of the hearing which shall forthwith be certified to the appointing authority who shall enforce the decision. Copies of the decision shall be delivered to all other parties at interest. The board may rescind, modify, or increase the penalty imposed by the appointing authority as warranted by the facts adduced at the hearing.

(b) The board may require that testimony introduced at hearings be recorded, but not transcribed, except upon further order.

(c) (1) Any person who desires to file charges against an employee shall file the charges in writing and shall recite therein the specific act or acts of the employee constituting the cause. The director shall serve a copy of the charges on the accused employee and shall fix a day for the hearing.

(2) The accused employee shall, within five calendar days after service, file a written answer to the charges. Failure on the part of the accused employee to file the answer shall be deemed an admission of the truth of the charges without further investigation or hearing on the part of the board. If the hearing is held before the director, the testimony shall be recorded. A decision shall be rendered by the board in accordance with this act.

(d) An employee in the classified service may also be dismissed, demoted or suspended upon charges made by the director. Charges preferred by the director shall be served on the employee and a public hearing shall be scheduled by the board within the time and manner prescribed in this act.

(e) Any employee who is dismissed for cause shall forfeit all vacation allowances.

(f) (1) The decision of the board based upon all proceedings before the board shall be final and may be appealed by either

party to the circuit court to review questions and whether or not the decision or order of the board is supported by substantial and legal evidence. On the appeal, the circuit court shall review the record and shall affirm, reverse, remand, or render the cause.

(2) The decision of the board shall be controlling until reversed on appeal as provided for herein. The appeal shall be perfected by filing with the director a statement in writing, signed by the party appealing, to the effect that the party appeals from the decision or order of the board to the circuit court. The statement shall be filed within 10 calendar days from the announcement of the decision or order of the board.

(g) (1) Any employee suspended without right to a hearing before the board may obtain a review of the suspension by the appointing authority by filing with the appointing authority, not more than 10 days thereafter, a written answer to the charges and a request for the review. A hearing shall be held thereon not more than 20 days thereafter to determine whether the suspension should be rescinded.

(2) At the hearing, the employee may be represented by counsel and present relevant testimony. The appointing authority may authorize a representative to conduct the hearing and submit within five days thereafter a finding of facts together with recommendations to the appointing authority. Within a period of 10 days after the hearing, the appointing authority may rescind all or any part of the suspension. A suspended employee shall be entitled to full salary for any period of suspension rescinded hereunder.

Section 26. (a) The hours of work shall be fixed by the council with due regard to the convenience of the public, and to working hours customarily observed in the community.

(b) The following types of leave are officially established: holidays, vacation leave, injury leave with pay, overtime leave, military service leave, jury leave, leave for special meetings and examinations, and leave without pay.

(c) The absence of an employee from duty shall be reported to the director by the department head. Absences shall be reported on the form prescribed by the director and shall be forwarded immediately to the personnel office when the employee returns to duty, or at the close of the payroll period if the employee has not returned to duty, or at the end of the month if the employee has not returned to duty. The director shall maintain attendance and leave records on all classified employees.

(d) If a department head fails to report the absence of an employee and the employee is paid in excess of the amount due him, the department head shall be liable for the overpayment.

(e) An employee who is absent without leave shall be subject to the provisions of this act governing suspensions and dismissals.

(f) Under no circumstances shall seasonal, temporary, or part-time employees be allowed to earn or use vacation leave, sick leave, military leave, or holiday leave except as otherwise provided in this act.

(g) Vacation leave, sick leave, and overtime leave shall not be allowed in advance of being earned. If an employee has insufficient leave to cover a period of absence, no allowance shall be posted in advance or in anticipation of future leave credits. In such cases, payroll deductions for the time lost shall be made for the pay period in which the absence occurred.

(h) The mayor shall fix by resolution, the holidays that their employees shall observe. Employees on nonpay status, such as a leave of absence or on paid military leave, shall not earn additional time for holidays. All employees of the city shall receive the same number of holidays. Employees who are required to work on an observed holiday shall be compensated in accordance with this act.

(i) All employees holding regular full-time positions in the classified service shall earn and accrue vacation leave with pay.

Section 27. (a) Upon completion of 12 months service at a regular position, an employee may use vacation leave. The scheduling of such vacation leave shall be determined by the department head with due consideration to seniority, length of service, and request of the employee, except when a vacation leave has not been allowed an employee at any time during the calendar year, the employee may demand a vacation leave not exceeding 10 work days

(b) For the purpose of computing vacation leave, each week of seven days, excluding holidays, shall be considered as containing not less than five work days. Employees whose basis of pay is other than the standard work week, such as fire department personnel, shall earn and use vacation leave time in a comparable manner as set by the director.

(c) An employee holding a regular position shall earn vacation leave in accordance with his or her longevity of service as follows:

0 to 1 year – 6 days

2 years – 7 days

3 years – 8 days

4 years – 9 days

5 years	– 10 days
6 years	– 11 days
7 years	– 12 days
8 years	– 13 days
9 years	– 14 days
10 years	– 15 days
11 years	– 16 days
12 years	– 17 days
13 years	– 18 days
14 years	– 19 days
15 years	– 20 days – maximum

(d) Vacation leave earned but not used during the calendar year may be accumulated up to a maximum of 40 days. Vacation leave earned in excess of the maximum accumulation stipulated not used by December 31 shall be forfeited, unless extenuating circumstances indicate a different handling is desirable in the opinion of the director.

(e) Vacation leave is subject to the following restrictions:

(1) An employee shall not earn vacation leave during a leave of absence without pay, a suspension, or when the employee is otherwise in a nonpay status for more than 15 calendar days in a month. An employee currently using supplemental sick leave shall not earn additional vacation or sick leave during the period when the employee is on supplemental sick leave.

(2) An employee who is dismissed for cause or resigns in bad standing shall be paid for earned vacation leave.

(3) A department head shall not require an employee to forfeit earned vacation leave as punishment through the action of suspension.

(4) The maximum vacation leave that may be granted during a calendar year is four weeks.

(5) Vacation leave shall not be taken for less than one-half day at a time.

(f) All employees holding regular positions shall be allowed to earn and accrue sick leave. Sick leave is not a right for which employees may make demand, but a privilege granted in accordance with this act which may be changed as the best interests of the service demand.

Section 28. (a) Upon completion of 12 months service in a regular position, an employee may use sick leave.

(b) For the purpose of computing sick leave, each week of seven days, excluding holidays, shall be considered as containing not less than five work days. Employees whose basis of pay is other than the standard work week, such as fire department personnel, shall earn and use sick time in a comparable manner as set by the director.

(c) Sick leave shall be earned at the rate of one work day for each month of service. Sick leave earned during the calendar year but not used may be accumulated up to a maximum of 120 days. Sick leave earned in excess of the maximum shall be held in a special reserve and may be granted as a supplementary sick leave in accordance with this act.

(d) An employee shall be granted sick leave for the following reasons:

(1) Personal illness of the employee, including, but not limited to, inability to work due to pregnancy, childbirth, or related medical conditions.

(2) Personal physician and dental appointments.

(3) Illness arising from exposure to contagious disease endangering the health of the employee.

(4) Illness in the employee's immediate family which necessitates an absence from work. In this case, "immediate family" means the employee's spouse, children, and parents.

(5) Death of the employee's spouse, child, parent, parent-in-law, sister, or brother.

Total absences allowed under subdivisions (4) and (5) combined shall not exceed six days in any calendar year.

(e) (1) An employee who is absent on sick leave continuously for a period of two work days or more shall submit a doctor's certificate or other written evidence to substantiate the sick leave usage. Such certification shall include the following:

a. The diagnosis.

b. A confirmation that the diagnosed condition renders the employee incapacitated to perform position duties.

c. The probable period of the incapacitation.

(2) The appointing authority or director may require a certification to substantiate sick leave claims of less than five work days.

(f) Sick leave shall be subject to the following restrictions:

(1) An employee shall not earn sick leave during a leave of absence without pay, a suspension, or when the employee is otherwise in a nonpay status for more than 15 calendar days in a month. An employee currently using supplemental sick leave shall not earn additional vacation or sick leave during the period when he or she is on supplemental sick leave.

(2) Sick leave shall not be granted to an employee whose absence from duty is a result of his or her own misconduct. Absence for that cause shall be reported as absence without leave and shall subject the employee to disciplinary action.

(3) Sick leave shall not be granted to an employee whose absence from duty is caused by injury or disability sustained as a result of employment outside the classified service.

(4) Sick leave accumulation shall be forfeited upon separation or retirement from the classified service except as otherwise provided in this act.

(5) Days of sick leave cannot be taken immediately prior to or after vacation leave or scheduled holiday leave, unless it is because of an emergency.

(g) An employee who, as a result of personal illness, has exhausted his or her accumulated sick leave, may, upon approval by the board, be granted supplemental sick leave in an amount not to exceed the number of days of sick leave the employee may have earned but did not receive credit because of having accumulated the maximum of 120 days. Every application for the allowances shall be supported by the certificate of a licensed physician and by any other proof of disability as the board may deem necessary. Supplemental sick leave shall be granted only for recuperative purposes as stated by competent medical authority.

(h) (1) An employee who sustains a disabling injury without fault or negligence on his or her part while performing the duties of his or her position may be granted leave with pay by the board. Each application for the leave shall contain a statement by the employee and affirmed by his or her supervisor setting forth the details of the accident on forms prescribed by the director, and supported by a doctor's certificate setting forth the nature and extent of the injury and the probable period of disability. Injury with pay leave may be granted up to a maximum of six calendar months.

(2) The leave with pay benefit provided by this rule shall be complementary to any worker's compensation benefits payable under state law. The amount of the complementary benefit shall

equal the difference between the amount of worker's compensation and the amount to which the employee would have been entitled. In no case shall the total amount of benefits, taking into account the worker's compensation benefits and the benefits provided by this act, exceed the base salary for the employee established in the classified service pay plan for the period during which the disability exists.

(3) If an employee is unable to resume his or her duties after six months' injury leave, absences shall be charged against his or her accumulated sick leave, vacation leave, and overtime, in that order. In the event an employee is unable to resume his or her duties at the expiration of his or her accumulated sick, vacation, and overtime leave, he or she may retire from the service, if eligible, or request a leave of absence without pay in accordance with this act.

Section 29. In accordance with the pay plan for the classified service, the rates of compensation set forth in the plan as certified are based on a 40-hour work week unless otherwise noted, as in the case of fire department personnel. Work performed in the classified service in excess of the normal work week, as set forth in the pay plan, shall conform to the following:

(1) Overtime work shall be authorized only in the following cases:

a. In the event of fire, flood, catastrophe, or other unforeseeable emergency.

b. Where it is necessary to staff a work station and another employee is not available to work.

c. To provide essential services when the services cannot be provided by overlapping work schedules.

d. To carry on short-range projects in which the utilization of present employees is more advantageous to the agency than the hiring of additional personnel.

e. In general, no employee shall be regularly scheduled to work overtime. Exceptions, based on seasonal variations in work programs, shall be recognized when approved by the appointing authority.

(2) a. All employees in the classified service shall be subject to these provisions except incumbents in those classes of work which are deemed by the board to be on a job basis, whereby the number of hours in a work week are not considered a factor in establishing the pay grade. Positions on a job basis are administrative, managerial, or carrying program management responsibility, or of

such an occupational nature that reflecting community, private industry, and public employment practices which clearly places the occupation on a job basis. Positions so designated as "job basis" shall be identified and recommended by the department head subject to approval by the board. Amendments to the established list may be made by the director.

b. The job-basis list shall be posted in the various departments and otherwise be given wide circulation. Employees in the job-basis category shall not receive overtime credit. The department head shall, however, be permitted to develop a uniform working arrangement whereby adequate overtime records shall be kept and provision for reasonable time off granted in those cases which, by the excessive number of hours worked, create a hardship on the employee.

(3) Overtime shall be defined as any work performed by a classified employee exceeding the normal work week called for in the pay plan, when such work is assigned by an authorized superior.

(4) Premium conditions are as follows:

a. In the event an employee is placed on "standby" or "on call" after his or her normal duty hours, the employee shall receive one hour of overtime credit for each full eight-hour day regularly, on standby or on call. "Standby" or "on-call" means being given specific instructions by competent authority to remain at the employee's place of residence awaiting call. An employee shall not be placed on standby or on call unless a reasonable probability of emergency exists. In the event an employee is called back to his or her duty station from his or her place of residence, he or she shall be credited with a minimum of two hours overtime.

b. In the event an employee is required to work on a recognized legal holiday as defined in this act, or if the holiday falls on an employee's regularly scheduled day off, the employee shall be awarded eight hours overtime.

(5) Overtime may be awarded by payment on the basis of an hourly equivalent as set forth in the pay plan for each classification, based on the current hourly pay step of the incumbent, or granting equivalent time off. An employee shall be given a minimum notice of two days prior to being required to take time off except as provided in this act.

The department head shall determine whether overtime shall be awarded by payment or by granting equivalent time off, subject to the limitations imposed in this act. The department head may elect to pay or grant time off above the straight time rate but shall uniformly do so within a classification.

(6) No employee shall accumulate overtime in excess of 40 hours. Any accrual of overtime in excess of this amount shall, within the following pay period, be disposed of in the manner set forth in subdivision (5).

(7) Upon separation from the service, an employee shall be compensated at his or her regular hourly pay rate for each hour of overtime. The compensation shall be made as terminal pay subject to any limitations thereon imposed by this act.

(8) Reporting and payment of overtime shall meet the following requirements:

a. The board reserves the right to make final disposition of all payments for overtime and to periodically conduct reviews of departmental practices of granting overtime.

b. Prompt and accurate reports of overtime earned and used shall be maintained by the departments and shall be subject to periodic review by the director for conformance to this act.

c. Each department shall, at regular monthly intervals, post a list at each work station recapping the current total balance of accrued overtime leave for each employee.

Section 30. (a) An employee shall be entitled to military service leave and reinstatement as provided in this section. An employee who enters military service for the United States government, whether drafted, activated, or enlisted, shall, upon application to the director, be granted a leave of absence from the classified service for the duration of the military service not to exceed four years unless the military service is extended by federal act or presidential decree. During the leave of absence, no loss of rights or status shall occur, and the employee shall be given credit for the time spent in the military service as actual service rendered in the classified service as though his or her employment had not been interrupted. The benefits provided by this section shall only be available if the employee presents himself or herself for reemployment with the director within 90 days after discharge from the military service, unless the time is extended for reasons of health or physical unfitness after application to and approval by the director.

(b) The benefits provided by this section shall not be available to any employee who has received a dishonorable discharge from military service. When the discharge from military service is for reasons other than honorable or dishonorable, the director shall review the reasons for the discharge and may consent or refuse reemployment to any employee receiving the discharge.

(c) If the employee is still qualified to perform the duties of the position, he or she shall be restored to the position or to a position of

like seniority, status, and pay. If the employee is deemed unqualified to perform the duties of the position by reason of a disability resulting from military service, the director shall determine what most nearly reflects his or her capabilities and will provide reasonable compensation consistent with circumstances in his or her case and appoint the person to that position with the approval of the mayor.

(d) The service credit shall not accrue to a veteran who was in probationary status at the time of entrance into military service of the United States government until the veteran has satisfactorily completed the probationary period after return as an employee of the city.

(e) As used in this section "military service" includes public health service.

Section 31. (a) An employee shall be entitled to temporary leave for National Guard and armed forces reserve training as provided in this section.

(b) An employee occupying a regular full-time position in the classified service who, by reason of his or her membership in the National Guard or armed forces reserve of the United States, is ordered by appropriate authority to attend a training period shall, upon presentation of official orders, be granted military leave with pay. In no case shall an employee granted military leave with pay be paid for more than 21 working days per fiscal year.

(c) In the event an employee is ordered to temporary active military duty by the Governor of the State of Alabama or the President of the United States, the person shall be entitled to be paid for no more than 21 working days for any one active duty period.

(d) Seniority, annual vacation and sick leave, and other related benefits arising from employment with the city for employees ordered to attend training periods or called to duty in the active service of the state or country by the Governor or the President of the United States shall be the same as prescribed in this act.

Section 32. (a) An employee in the classified service shall be allowed up to one day for taking a preinduction physical examination when the examination is ordered by the Selective Service Board.

(b) An employee summoned for jury duty or as a witness in court shall be granted leave with pay.

(c) If deemed in the best interest of the classified service, an employee may be granted leave with pay by the appointing authority to attend professional or technical institutes or conferences or other meetings. Time off with pay shall be granted to an employee for the purpose of taking examinations administered by the personnel director.

Section 33. (a) An employee may receive a leave of absence without pay as provided in this section.

(b) Upon recommendation of the appointing authority and approval of the director, the leave shall be allowed in the following categories:

(1) An employee occupying a regular full-time position, who is temporarily incapacitated to perform duties, may be granted a leave of absence for not more than one year. However, the employee shall submit a doctor's certificate which shall include the following:

a. The diagnosis.

b. A confirmation that the diagnosed condition renders the employee incapacitated to perform position duties.

c. The probable period of such incapacitation.

(2) An employee with permanent status who desires to engage in a course of study that will increase his or her usefulness upon his or her return to duty may be granted a leave of absence for not more than one year.

(3) An employee with permanent status may be granted a leave of absence for not more than one year for any reason considered good by the appointing authority subject to the approval of the director.

(4) An employee with permanent status who holds a technical or professional position may be granted a leave of absence when his or her assistance is requested to adopt or implement changes in service of another governmental agency. Under no circumstances shall a leave be granted to engage in other types of employment.

(c) Leave requests shall be submitted in writing and shall state the purpose of the leave and the date the leave is to begin and end. When the director approves the leave of absence, he or she shall designate whether the employee shall be entitled to resume the position at the expiration of the leave, or whether the employee's name shall be placed on the reemployment list.

Section 34. An employee with permanent status who wishes to resign or retire from his or her position in the classified service in good standing shall submit his or her notice thereof in writing to the appointing authority not less than 15 days prior to the proposed effective date. Under unusual conditions, the appointing authority may, with the approval of the director, reduce the required number of days' notice. A permanent employee separating or retiring from the service in good standing shall receive terminal pay for his or her accrued vacation leave not to exceed 40 days.

Section 35. (a) The director shall obtain and preserve ratings on all personnel. The personnel ratings shall reflect the performance of incumbents of positions of the same class or grade in a manner whereby standards of performance may be established to determine the relative abilities of the incumbents and to discover employees who, measured by the performance of their assigned duties and demonstrated promotional potential, shall be subject to:

- (1) Promotion.
- (2) Merit increase.
- (3) Transfer.
- (4) Reduction in pay.
- (5) Demotion.
- (6) Dismissal.

(b) The department head shall use a rating plan approved by the director. The plan shall be based on accepted personnel administration practices that measure performance and promotional potential. All employees who are responsible for preparing ratings shall do so in a careful and responsible manner, conforming with existing policies as established by the council.

(c) Every rated employee shall have the opportunity to discuss and review the rating with the person or persons rating the employee. In the event of a disagreement, the employee shall also have the opportunity to discuss and review the rating with a reviewing officer and the department head. If the discussion fails to reconcile any differences, the employee may have his or her appeal heard by the director. The employee shall make a timely written request for the hearing.

Section 36. (a) The director shall develop and maintain programs for improving safety practices and conditions affecting the safety, health, and morale of the employees in the public service. To this end, the director may require the submission of reports and the investigation of accidents and working conditions in the departments.

(b) Employee training and development shall be as follows:

(1) The director, acting in conjunction with department heads, shall provide a coordinated system for the training and development of all personnel in the classified service to eliminate duplication of costs and efforts.

(2) The mayor and appointing authority shall encourage the development and concept of training in the public service, taking

into consideration the availability of funds, the priority of work to be performed, and the availability of personnel.

(3) Each department shall organize its training to assure that adequate and necessary opportunities for training are provided and that unjustified training activities are not engaged in by departmental personnel. Each department is expected as a minimum requirement to follow the following procedures:

a. Establish a written departmental training policy which includes:

1. A statement of purpose and objective.
2. Provision for assigning centralized administrative responsibility for the total departmental employee training program.
3. Compilation of information to indicate individual training activities completed by employees and related data.
4. Provision for continuous appraisal of training needs.

b. Develop comprehensive organizational training plans in accordance with the mission, structure and function of the organization, including long-range and short-range plans covering such areas as orientation, supervisory, and technical skills.

Section 37. (a) The most effective accomplishment of the work of the various departments requires prompt consideration and equitable adjustment of employee grievances. All parties desire to adjust grievances informally with both supervisors and employees exerting every effort to resolve problems as they arise. However, it is recognized that there will be some grievances that can be resolved only after a formal appeal and review.

(b) A grievance is a wrong, real or fancied, considered by an employee as grounds for complaint. Matters dealing with classification, pay, compensation, examination, leave, discipline, and related actions specifically set forth, shall not be considered under grievance procedures, but shall be adjusted in accordance with the provisions of this act. Any question as to what constitutes a grievance, or what should be processed, shall be determined by the director, subject to the review of the board.

(c) Any permanent employee may register a grievance. In the presentation of grievances, employees shall be free from restraint, interference, discrimination, or reprisal. All adjustments of grievances processed shall be retroactive to the time the grievance is first submitted in writing by the aggrieved employee. The aggrieved employee may be represented by counsel or other person of his or her choosing.

(1) Step I.

a. The grievance shall be submitted in writing to the immediate supervisor within five days of the occurrence of the incident. All complaints shall cite the reasons and nature of complaint and must be signed by the employee.

b. The immediate supervisor shall reply in writing within three days giving an answer to the complaint. A copy of the answer shall be furnished to the employee and the personnel director.

(2) Step II. If unresolved in five days, the written grievance and the supervisor's answer shall be submitted to the department head. The department head shall, within five days, reply in writing to all parties concerned and forward a copy of the reply to the director.

(3) Step III. If unresolved, the grievance shall be submitted to a grievance committee, composed as follows:

a. One member elected by the classified employees of the city. The term of the employee-elected member shall be 12 months. One member designated by the appointing authority of the city. The third member shall be a mutually agreed upon person selected by the first two members.

b. If no mutual party can be agreed upon by the first two members within a period of 10 days, the director shall designate the third member.

c. The grievance committee as constituted shall review the findings of all parties concerned and may obtain additional information as it deems necessary. The committee shall render a decision concerning the unresolved grievance within 30 days after receipt of the grievance. The decision shall be binding on all concerned parties.

d. The director shall provide the minimal administration services necessary and shall exercise his or her authority to request the production of records or appearance of witnesses as may be required.

e. Nothing in this act shall limit the council's right to manage its affairs and governmental operations or infringe on its right and responsibility to appropriate funds and to fix budgets for the proper expenditure of public funds.

Section 38. (a) All payrolls, both classified and unclassified, shall be prepared and submitted with sufficient copies and in sufficient time for certification by the director prior to payment of any funds or salaries. All payrolls shall be signed by competent authority as authorized by the mayor.

(b) Employees working on a full-time basis shall be paid in accordance with the official salary schedule established by the council.

(1) In utilizing the official biweekly salary schedule, new employees entering the service after the first day of a pay period and employees terminated before the last day of a pay period, shall be paid on a daily basis. Employees who are in a nonpay status for any part of a pay period and employees who are authorized overtime pay during a pay period, shall be paid on a daily basis for each day worked. The daily rate shall be determined by the official salary schedule.

(2) When the basis of pay is other than biweekly, new appointees entering the service after the first day of a pay period and employees terminated before the last day of a pay period, shall be paid the daily rate prescribed in the official salary schedule for each work day they are in employee status during the pay period.

(3) Employees who receive pay for overtime worked shall be paid in accordance with the official salary schedule for each hour or day of overtime.

(4) Employees in employee status during an entire pay period, but who are in nonpay status for any part of the period, shall have deducted from their pay for the period the amount called for in the official salary schedule for each work day they are in nonpay status.

(5) In no case shall a new appointee or an employee returning from an absence of more than three work days in nonpay status be placed in pay status before the date of assumption or resumption of duties.

(c) A disbursing officer shall not make any payment to any person, either directly or indirectly, in contravention of any provision of this act or any exception noted by the director. All payrolls shall bear the certification of the director prior to disbursement or payment of funds or salaries.

Section 39. (a) Activities prohibited shall be as follows:

(1) No person shall be appointed or promoted to, or dismissed from any position, or in any way favored or discriminated against with respect to employment because of sex, political or religious opinions or affiliations, or race.

a. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position.

b. No person shall use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position, an increase in pay, or any other advantage in employment in a position, for the purpose of influencing the vote or political action of any person, or for any consideration.

c. No person in the employment of the city, whether classified or unclassified, shall be denied the right to participate in city, county, and state political activities to the same extent as any other citizen of the state of Alabama, including endorsing candidates and contributing to campaigns.

d. Persons in the employment of the city may join local political clubs and organizations and state or national political parties.

e. Persons in the employment of the city may publicly support issues of public welfare, circulate petitions calling for, or in support of, referendums and the right to contribute freely to those of his or her choosing.

(2) No person shall attempt to use political authority or position for the purpose of influencing the vote or political action of any person. Any person who violates this subdivision shall be guilty of a felony punishable by a fine not to exceed ten thousand dollars (\$10,000) or imprisonment in the state penitentiary for a period not to exceed two years, or both.

(b) Candidacy for public office shall be as follows:

(1) In the event an employee resigns his or her position for the purpose of becoming a candidate for nomination or election to public office, he or she shall be eligible for a leave of absence without pay if the following conditions are met:

a. A written resignation is submitted to the appointing authority stating the purpose of the resignation with a copy forwarded to the director.

b. Within the six-month period next succeeding the day of resignation, he or she is reinstated to the eligible list for the position.

c. The position has not been filled between the day of the resignation and the day of the appointment.

d. He or she is reappointed to the position within the six-month period next succeeding the day of resignation.

(2) If each of the foregoing conditions are met, the employee shall be considered as having been on a leave of absence.

(c) In order to avoid a conflict of interest, an appointing authority shall require a classified employee who wishes to engage in any outside work or activity for personal profit, file a written request setting out the nature of the outside employment. Reasons for rejection of the request shall be limited to whether the employment would cause a conflict of interest or is incompatible with an employee's position in the classified service.

(d) All elected authorities and officials shall assist in the implementation and maintenance of this act.

Section 40. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 41. All laws or parts of laws which conflict with this act are repealed.

Section 42. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:26 P.M.

Act No. 93-359

S. 561 – Senator Barron

AN ACT

Relating to Jackson County; to permit certain municipalities to determine by a local option election whether alcoholic beverages may be legally sold and distributed within the corporate limits of the municipalities; and providing for the conducting of these elections.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding any other provision of law, including, but not limited to, Chapter 2A of Title 28 of the Code of Alabama 1975, and pursuant to authority granted by Section 104 of the Constitution of Alabama of 1901, the electors of an incorporated municipality located in Jackson County with a population of 2,500 or more inhabitants may change its classification from dry to wet or wet to dry by a municipal option election as provided by this act.

Section 2. (a) Upon petition of 25 percent of the number of voters voting in the last general election of the municipality having a population of 2,500 or more inhabitants being filed with the city or town clerk or governing body of the municipality, the governing body shall call a municipal option election for the municipality to determine the sentiment of the people as to whether alcoholic beverages may be legally sold or distributed in the municipality. The petition for the municipal option election shall contain the following: "It is petitioned that a municipal option election be held to determine whether the legal sale and distribution of alcoholic beverages shall be permitted within this municipality." On the ballot to be used for the municipal option election, the question shall be in the following form: "Do you favor the legal sale and distribution of alcoholic beverages within this municipality? Yes _____ No _____."

(b) The municipal option election shall be held and the officers shall be appointed to hold the election in the manner provided by law for holding other municipal elections and the returns thereof tabulated and the results certified as provided by law for municipal elections. The municipal option election shall be held on the date set by the governing body. Notice of the municipal option election shall be given by the governing body of the municipality by publication at least three weeks before the date of the election, in a newspaper in the municipality, or, if there be none, in a newspaper in the county, or, if there be neither, by posting the notice at the town or city hall, apprising the voters of the municipality that a municipal option election shall be held to determine whether the municipality shall be wet or dry under this act. The cost of the municipal option election, including the cost of notice by publication, shall be paid out of the general fund of the municipality.

(c) Only qualified electors of the municipality may vote in the municipal option election. If a majority of the electors in the municipal option election vote "yes," the municipality shall be wet, and alcoholic beverages may be legally sold, distributed, and consumed within the corporate limits of the municipality, and all of the provisions of Title 28 of the Code of Alabama 1975, relating to alcoholic beverages in wet municipalities, including, but not limited to, Chapters 3, 3A, 6, and 7, shall be immediately put into operation with respect to and effective within the corporate limits of the municipality. Notwithstanding the results of any subsequent county election, special method referendum, or other election, the municipality shall remain wet until changed to a dry municipality at a subsequent municipal option election conducted in the same manner as required for the initial election, including, but not limited to, the petition procedure.

(d) If a majority of the voters' voting in the municipal option election vote "no," the municipality shall be a dry municipality under the terms of this act until the municipality, by a subsequent municipal option election held under this act, votes wet.

(e) At least 1,560 days shall have lapsed before a second municipal option election may be held in the municipality.

Section 3. If the electors of any municipality in Jackson County having a population of 2,500 or more inhabitants vote at any time to allow the sale of alcoholic beverages in its corporate limits pursuant to this act, then the electors of any other municipality in the county may petition for and hold an election on whether to legalize the sale of alcoholic beverages in the same manner, and under the same conditions, as prescribed for municipalities of 2,500 or more inhabitants.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:27 P.M.

Act No. 93-360

S. 564 – Senator Ellis

AN ACT

Relating to Shelby County; to amend Section 7 of Act No. 596, H. 1577, 1975 Regular Session (Acts 1975, p. 1346), as amended and reenacted by Act No. 92-394, 1992 Regular Session (Acts 1992, p. 810), pertaining to a rehabilitative and work release program for jail inmates, to provide further for inmates to pay the cost of their supervision from their gross earnings.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 596, H. 1577, 1975 Regular Session (Acts 1975, p. 1346), as amended and reenacted by Act No. 92-394, 1992 Regular Session (Acts 1992, p. 810), is amended to read as follows:

“Section 7. Any person released from jail pursuant to Section 2 of this act shall pay to the county a sum, to be fixed by the court, not to exceed 40 percent of his or her gross earnings earned while released. The court having jurisdiction of the case, as a condition to releasing a prisoner or granting a suspended sentence pursuant to the terms of this act, may require that the prisoner establish a payroll deduction for the payment of any sums due pursuant to this act or that the employer pay the wages of the prisoner directly to the Shelby County Work Release Commission. All sums collected, whether by payroll deduction or otherwise, shall be paid over to and collected by the Shelby County Work Release Commission and deposited into the Shelby County Work Release Fund, which shall be established in the county treasury, to be held under the conditions and for the purposes set out in this act.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:28 P.M.

Act No. 93-361

S. 592 – Senator Sanders

AN ACT

Relating to Greene County; to amend Section 17 of Act No. 376, H. 1040, 1975 Regular Session, as amended, to provide further for the distribution of funds received from the Greene County Racing Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 17 of Act No. 376, H. 1040, 1975 Regular Session is amended to read as follows:

“Section 17. All fees, commissions, taxes, and other monies, including fines and forfeitures, received under the provisions of this act shall be paid to the Treasurer of Greene County and deposited by the treasurer in the county treasury to the account of the Greene County Racing Commission. All such monies remaining after payment of expenses incurred in the administration of this act, including the payment of the salaries and expenses of the members and employees of this commission shall be distributed on a quarterly basis as follows:

“(a) There shall be distributed to the Greene County Commission an amount not to exceed two hundred thousand dollars (\$200,000) per year: (1) to pay principal of and interest on bonds, warrants or other securities at any time thereafter issued by the Greene County Commission for the purpose of providing and equipping the existing jail facility; or constructing new jail facilities and renovating, improving and equipping existing jail facilities; (2) to enable the county to make lease rental payments to any public corporation in an amount sufficient to retire bonds or other securities issued by such public corporation for the purpose of providing funds to pay cost of acquiring, providing, construction and equipping a new jail facility; renovating, improving and equipping the existing jail facility; or constructing new jail facilities and renovating existing jail facilities (or any combination thereof); (3) to pay principal of and interest on bonds, warrants or other securities at any time hereafter issued by said Greene County Commission for the purpose of providing funds to pay costs of acquiring, providing, constructing and equipping a new County Courthouse; renovating, improving and equipping the existing County Courthouse; (4) to enable the county to make lease rental payments to any public corporation in an amount sufficient to retire bonds or other securities issued by such public corporation for the purpose of providing funds to pay costs of acquiring, providing, construction and equipping a new County Courthouse; renovating, improving and equipping the existing County Courthouse; or acquiring, providing, constructing and equipping a new County

Courthouse and renovating, improving and equipping the existing County Courthouse (or any combination thereof). At such time as the principal and interest bonds, warrants or other securities heretofore mentioned are satisfied, then said sum shall be prorated equally as provided in the following subparagraphs (b), (c), (d), and (e). The balance is to be distributed as follows:

“(b) Twenty-five percent of the monies shall be appropriated to the municipalities of Greene County on a per capita basis according to the most recent population figures used by the federal government for the purpose of revenue sharing, or if these figures are not available, the most recent federal decennial census shall be used.

“(c) Five percent to the Greene County Hospital Board.

“(d) Thirty percent of the monies shall be appropriated to the Greene County Board of Education.

“(e) Forty percent of the monies shall be appropriated to the general fund of Greene County to be allocated and spent in the following prescribed manner:

“(1) Fifty-five and one-half percent of this amount shall remain unearmarked and may be spent in any manner, provided by law, for the benefit of the citizens of Greene County, by the county governing body thereof.

“(2) Ten percent to be used by the county governing body to upgrade law enforcement in the county.

“(3) Four percent for the maintenance of a county ambulance service.

“(4) Four percent for the establishment and maintenance of day care centers within the county.

“(5) Two percent to be appropriated to the Greene County Library Association for the upgrading of the library system.

“(6) Three percent to be appropriated to West Alabama Health Services, Inc., to be used for transportation and other health needs for Greene County citizens.

“(7) Two and one-half percent to be appropriated to the Community Services Programs of Tuscaloosa-Bibb Counties, Inc., to be used for assistance to low income residents of Greene County.

“(8) Two percent to be appropriated to the Greene County Housing Authority, to be used as follows: (a) One percent to the general budget of the Greene County Housing Authority Board; (b) one percent to the Home Buyers Association for social service programs.

"(9) Two percent to be appropriated to West Alabama Mental Health Center, Inc., to be used for mental health services within Greene County.

"(10) One percent to be appropriated to the Greene County Retired Senior Volunteer Program (RSVP).

"(11) Two and one-half percent to be appropriated to the Society of Folk Arts and Culture, Inc., for culture and youth development. Provided, however, the allocation provided in this subdivision (11) shall not be made if the provisions of Act No. 93-____ of the 1993 Regular Session, which levies an additional ad valorem tax in Greene County, is approved by the electors of the county. If the provisions of that act are approved, the allocation provided in this subdivision shall revert to the county general fund.

"(12) One percent to be appropriated to the Greene County Commission to be used as follows: (a) One-half of the one percent thereof to be used by the County Commission in Cultural and Historical Preservation; (b) one-half of the one percent thereof to the Greene County Historical Society for their use in restoring and preserving historic sites and buildings in the county.

"(13) Two percent to the Greene County Health Department to be used for general health care in Greene County and to augment the WIC (Women Infant and Children) and related health programs in Greene County.

"(14) Four percent to be appropriated to the Parks and Recreation Board. No more than 15 percent of the four percent thereof shall be used for maintenance and development of the Greene County Golf Course.

"(15) Four and one-half percent to Greene County Community Improvement Association for the construction, renovation, and operation of community centers in Tishabee, Clinton, Dollarhide, Knoxville, Mantua, and Mt. Hebron. When the foregoing facilities have been constructed and renovated in these communities, then the funds will be designated for the general use and operations of the Greene County Community Improvement Association for the construction of additional community centers and the operations of community centers in Greene County."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:29 P.M.

Act No. 93-362

S. 598 – Senators Sanders and Lindsey

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Lisman in Choctaw County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Lisman in Choctaw County are altered, rearranged, and extended to include within the corporate limits of the municipality, in addition to the lands now included, all of the following territory:

TOWNSHIP 14 NORTH, RANGE 3 WEST

SECTION 17: NE 1/4 of SW 1/4; W 1/2 of SW 1/4; E 1/2 of NW 1/4; SW 1/4 of NW 1/4; W 1/2 of NW 1/4 of NW 1/4.

SECTION 18: N 1/2 of NE 1/4 of NE 1/4.

SECTION 8: Begin at the SW corner of said Section 8, go East 210 feet North 510 feet, West 210 feet and then South to the Point of beginning.

SECTION 7: SE 1/4 of SE 1/4; S 1/2 of NE 1/4; SW 1/4 of SE 1/4.

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the municipality of Lisman is on file in the office of the Judge of Probate in Choctaw County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:30 P.M.

Act No. 93-363

S. 621 – Senator Campbell

AN ACT

Relating to Lawrence County; providing for an additional expense allowance and salary for the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be operative in Lawrence County.

Section 2. Commencing on the first day of the month immediately following the effective date of this act, the Sheriff of Lawrence County shall be entitled to an additional expense allowance equal to the difference between the salary currently being paid to the sheriff and the salary being paid to the Judge of Probate of Lawrence County which shall be in addition to all other expense allowances, compensation, or salary provided by law. This expense allowance shall be payable in equal monthly installments from the general fund of the county.

Section 3. Beginning with the expiration of the term of the incumbent Sheriff, the annual salary for the sheriff shall be increased by the difference between the salary of the sheriff and the salary of the judge of probate, payable in equal monthly installments from the general fund of the county and at that time, Section 2 shall become null and void.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved May 10, 1993

Time: 3:31 P.M.

Act No. 93-364

S. 524 – Senator Figures

AN ACT

Reopening the Employees' Retirement System of Alabama for a certain period of time to allow certain active members of the system to purchase credit under certain guidelines and conditions for prior service with the Alabama State Docks.

Be It Enacted by the Legislature of Alabama:

Section 1. Any active and contributing member of the Employees' Retirement System, who is employed by the Alabama State Docks on the effective date of this act, may purchase credit in the Employees' Retirement System for prior service with the state docks if the member has not received credit in the system for the same prior service and has not vested or otherwise become eligible to receive a retirement benefit by using the same prior service credit in another pension plan offered by the state docks.

Section 2. A member of the Employees' Retirement System who is eligible to purchase any prior service credit under Section 1 of this act shall receive the credit if he or she pays into the system

on or before his or her date of retirement, an amount of five percent of the greater of the member's current annual earnable compensation or average final compensation for the entire period of prior service claimed, or any portion thereof, plus eight percent compounded interest thereon through the date of repayment, for each year of prior service purchased. Prior service may only be purchased in yearly increments. At the same time that the employee makes his or her payment for the prior service credit, the Alabama State Docks shall remit to the Employees' Retirement System the employer's share of the cost for the prior service credit being purchased, plus eight percent compounded interest thereon through the date of repayment, as determined by the actuary for the system.

Section 3. (a) A member purchasing prior service credit under this act shall waive any and all present and future benefits which he or she has qualified to receive under any federal railroad retirement laws, any collective bargaining agreements, or any other pension plans offered by the Alabama State Docks. Failure to waive those benefits shall render a member ineligible to purchase any prior service credit in the Employees' Retirement System under this act.

(b) The reopening of the Employees' Retirement System for purchase of prior service credit under this act shall terminate on the date of retirement of the affected employee.

Section 4. This act shall become effective on October 1, 1993, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:32 P.M.

Act No. 93-365

S. 618 – Senator Dial

AN ACT

Relating to Cleburne, Randolph, and Clay Counties, creating the Emerald Triangle Commission and prescribing its duties and powers.

Be It Enacted by the Legislature of Alabama:

Section 1. The Emerald Triangle Commission is created. The commission shall promote and assist in the promotion of the economic development of Cleburne, Randolph, and Clay Counties, and shall promote the public safety in these areas.

Section 2. The members of the Legislature representing Cleburne County, Randolph County, and Clay County shall jointly appoint one member to the commission who shall serve as the chair. This member shall serve at the pleasure of the members of the Legislature representing Cleburne County, Randolph County, and Clay County. The President of the Chamber of Commerce of Cleburne County, Randolph County, and Clay County, or the appointee of each president, shall serve as a member of the commission. The Judge of Probate of Cleburne County, Randolph County, and Clay County shall each appoint one member to the commission. The chair of the County Soil Conservation Committee in each county shall serve as a member of the commission. The County Extension Agent of each county shall serve as a member of the commission. Initially, the members representing Cleburne County shall serve a two-year term, the members representing Clay County shall serve a four-year term, and the members representing Randolph County shall serve a six-year term. Upon the expiration of each initial term, successor members of the commission shall be appointed by the same appointing authority and shall serve six-year terms. On the death, resignation, incapacity, or inability of any appointed member to serve, the appointing authority shall appoint a person to fill the unexpired term.

Section 3. The commission shall adopt necessary rules and regulations not inconsistent with this act or the laws or Constitution of the State of Alabama. A majority of the commission shall constitute a quorum for the conduct of business. The chair may appoint committees as authorized by rule and regulation. The commission shall meet regularly at a time and place as specified in its rules and regulations. Meetings of the commission shall be held in each of the three counties on a rotating basis, so that an equal number of meetings is held in each county. Special meetings may be called as specified in the rules and regulations of the commission.

Section 4. Within funding limits and subject to this act, the commission may perform each of the following functions:

(1) Hire and fix the compensation of permanent and temporary employees and staff considered necessary by the commission in performing its duties.

(2) Contract with consultants for necessary services.

(3) Contract with the State of Alabama, the United States government, or any agency, department, or any subdivision thereof for property or services provided to or by these entities, and fulfill these contracts.

(4) Contract with persons, firms, and corporations generally as to all matters over which it has a proper concern and fulfill these contracts.

(5) Lease, rent, purchase, or otherwise obtain suitable quarters and office space for its employees and staff, and lease, rent, purchase, or otherwise obtain furniture, fixtures, vessels, vehicles, firearms, uniforms, and other supplies and equipment necessary or desirable for carrying out the duties imposed pursuant to this act.

(6) Lease, rent, purchase, construct, otherwise obtain, maintain, operate, repair, and replace, either on its own or in cooperation with other public or private agencies or individuals, items of real and personal property designed to promote economic development and promote public safety.

(7) Accept, receive, and disburse in furtherance of its functions any funds, grants, services, or property made available by the United States government or its agencies or subdivisions, by the State of Alabama or its agencies or subdivisions, or by private and civic sources.

(8) In carrying out its duties and with the agreement of the governing body of the county concerned, utilize personnel and property of or assign responsibilities to any officer or employee of any of the three counties.

(9) Provide water service to areas within the three counties that are not being served by other providers of water service, including, but not limited to, public or private entities. The commission may promulgate regulations necessary to provide water service. These regulations may not conflict with or supersede provisions of general law, special acts, or duly promulgated regulations of state agencies. A public hearing regarding these regulations shall be held prior to adoption. Notice of the hearing shall be published in each of the three counties in a newspaper of general circulation at least 10 days before the hearing.

Section 5. Publication of regulations promulgated as required in this act is for informational purposes and is not a prerequisite to their validity if they in fact have been duly promulgated, the public has been notified as to the substance of the regulations, a copy of the text of all regulations is available to any person who may be affected, and no party to any proceeding has been prejudiced by any defect that may exist with respect to the publication. Rules and regulations promulgated by the commission relating to internal governance of the commission need not be published.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:33 P.M.

Act No. 93-366

S. 623 – Senator Mitchell

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the City of Ozark in Dale County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Ozark in Dale County are altered, rearranged, and extended to include within the corporate limits of the city, in addition to the lands now included, all of the following territory:

EXHIBIT "A"

Beginning at a point on the present boundary line of the Corporate Limits of the City of Ozark, Dale County, Alabama at the southwest corner of the N1/2 of the NE1/4 of NE1/4, Sec. 17, T24E, R24E and running thence S 88 degrees 49'09"E 1324.03 feet to the east section line of Sec. 17, T5N, R24E; thence N 0 degree 48'02"W 403.25 feet along the west section line of Sec. 16, T5N, R24E to a point that is 250 feet parallel to the south right-of-way of Campground Road; thence N 87 degrees 59'19"E 1295.73 feet of a line 250 feet parallel to said road to the west forty line of the NE1/4 of NW1/4, Sec. 17, T5N, R24E; thence S 0 degrees 18'24"E 96.55 feet along said west forty line; thence N 89 degrees 27'14"E 637.61 feet; thence S 2 degrees 40'14"E 65.98 feet; thence N 88 degrees 44'00"E 210.38 feet; thence N 2 degrees 57'04"E 75.50 feet; thence N 88 degrees 35'40"E 436.05 feet to the east line of said forty; thence S 0 degrees 24'51"E 42.08 feet along said forty line to a point that is 250 feet parallel the south right-of-way of Campground Road; thence a chord bearing of S 53 degrees 42'06"E 1055.71 feet of a line parallel to the right-of-way of said road; thence S 43 degrees 33'12"W 210.00 feet; thence S 46 degrees 26'48"E 210.00 feet; thence S 43 degrees 33'12"W 142.03 feet to the north forty line

of the SW1/4 of NE1/4, Sec. 16, T5N, R24E; thence N 89 degrees 49'35"W 106.60 feet to the northwest corner of the E1/2 of the said forty; thence S 0 degrees 28'05"E 1339.51 feet along the west line of the E1/2 of the said forty to the south line of said forty; thence S 89 degrees 58'02"E 647.74 feet to the southeast corner of said forty; thence N 0 degrees 31'19"W 1299.23 feet along the east line of said forty to a point that is 250 feet parallel to the south right-of-way of Campground Road; thence S 49 degrees 57'47"E 1090.25 feet of a line parallel to the right-of-way; thence N 39 degrees 01'19"E 327.24 feet to a point on the north right-of-way of Campground Road that is 250 feet parallel to the east right-of-way of Lakeview Road; thence N 20 degrees 20'34"E 1930.51 feet to the south section line of Sec. 10, T5N, R24E; thence S 89 degrees 08'33"E 878.93 feet along said section line to the southeast corner of the SW1/4 of SW1/4, Sec. 10, T5N, R24E; thence N 1 degree 10'21"W 847.25 feet along the east forty line of said forty; thence N 68 degrees 21'15"W 124.80 feet to the east right-of-way of Foot Street; thence N 1 degree 10'21"W 105.80 feet along the east right-of-way of Foot Street to the south right-of-way of Hurricane Road; thence S 68 degrees 21'15"E 124.80 feet along the south right-of-way of said road to the east forty line of said forty; thence N 1 degree 10'21"W 922.88 feet along said east forty line to a point 420 feet parallel to Lakeview Road; thence N 22 degrees 31'21"E 818.14 feet to the northeast corner of said forty and intersection with the existing Corporate Limits of the City of Ozark; thence N 89 degrees 39'46"W 1633.69 feet along the north forty line of said forty and along the Corporate Limits to the west section line at the northwest corner of the NW1/4 of SW1/4, Sec. 10, T5N, R24E; thence N 89 degrees 56'30"W 3867.29 feet to the northwest corner of the NE1/4 of SW1/4, Sec. 9, T5N, R24E; thence S 0 degrees 55'05"E 2604.23 feet to the south section line at the southwest corner of the SE1/4 of SW1/4, Sec. 9, T5N, R24E; thence N 39 degrees 41'06"W 1290.50 feet to the southwest corner of Sec. 9, T5N, R24E; thence N 88 degrees 48'08"W 1323.43 feet to the northwest corner of the NE1/4 of NE1/4, Sec. 17, T5N, R24E; thence S 0 degrees 08'53"E 674.09 feet along the west forty line of said forty to the POINT OF BEGINNING. The herein described property being the E1/2 of SW1/4 and SE1/4, Sec. 9; lying in and being a part of the NE1/4 of SW1/4 and SW1/4 of SW1/4 and the NW1/4 of SW1/4, Sec. 10, T5N, R24E; lying in and being a part of the NW1/4 of NW1/4, Sec. 15, T5N, R24E; lying in and being a part of the NW1/4 of NW1/4, NE1/4 of NW1/4, NW1/4 of NE1/4, NE1/4 of NE1/4, and SW1/4 of NE1/4, Sec. 16, T5N, R24E; and lying in and being a part of the NE1/4 of NE1/4, Sec. 17, T5N, R24E, Dale County, Alabama and containing 453 acres more or less. This description was written from a digitized tax map and does not represent an actual survey and should not be used for individual property conveyance.

EXHIBIT "B"

Beginning at a point on the present boundary line of the Corporate Limits of the City of Ozark, Dale County, Alabama at the northwest corner of the NW1/4 of SE1/4, Sec. 11, T5N, R24E and running thence S 89 degrees 47'10"E 2649.82 feet to the east section line of the northeast corner of the NE1/4 of SE1/4, Sec. 11, T5N, R24E; thence S 1 degree 27'00"E 2347.35 feet along the said east section line to a point where said line is 250 feet parallel to the north right-of-way of U. S. HWY. 231; thence S 39 degrees 28'02"E 3857.61 feet along a line 250 feet parallel said highway to the intersection of said parallel line with the south forty line of the SE1/4 of NE1/4, Sec. 13, T5N, R24E; thence N 89 degrees 53'05"W 2392.59 feet to the section line of the southwest corner of the SW1/4 of NW1/4, Sec. 13, T5N, R24E; thence S 1 degree 06'34"E 664.89 feet along the section line to the southeast corner of the N1/2 of NE1/4 of SE1/4, Sec. 14, T5N, R24E; thence S 89 degrees 57'31"W 1510.53 feet along the south line of said N1/2 to a point that is 250 feet parallel to the east right-of-way of Alabama Hwy. 123; thence a chord bearing of S 9 degrees 22'26"W 2481.49 feet of a line that is 250 feet parallel to said highway; thence N 88 degrees 54'39"W 689.73 feet to the west forty line of the NW1/4 of NE1/4, Sec. 23, T5N, R24E; thence N 1 degree 01'02"W 435.63 feet along the said forty line to the section line of the northwest corner of said forty; thence N 1 degree 02'26"W 1249.19 feet along the west line of the E1/2 of Sec. 14, T5N, R24E; thence N 88 degrees 57'34"E 230.00 feet; thence N 1 degree 02'26"W 130.00 feet to the north forty line of the SW1/4 of SE1/4, Sec. 14, T5N, R24E; thence S 88 degrees 57'34"W 230.00 feet back to the west line of the E1/2 of said section; thence N 1 degree 02'26"W 620.00 feet along said E1/2 to the northwest corner of the S1/2 of the NW1/4 of SE1/4, Sec. 14, T5N, R24E; thence N 89 degrees 57'31"E 565.69 feet along the north line of said S1/2 to a point that is 250 feet parallel to the west right-of-way of Alabama Hwy. 123; thence a chord bearing of N 5 degrees 02'24"E 1469.46 feet of a line that is 250 feet parallel to said highway; thence N 89 degrees 56'32"W 85.26 feet; thence N 2 degrees 18'53"E 260.00 feet; thence N 89 degrees 56'32"W 651.35 feet to the west forty line of the SW1/4 of NE1/4, Sec. 14, T5N, R24E; thence N 1 degree 02'26"W 274.19 feet along the west forty line to the northwest corner of the said forty; thence S 89 degrees 56'32"E 752.74 feet along the north forty line of said forty to a point where said line is 250 feet parallel to the west right-of-way of Alabama Hwy. 123; thence a chord bearing of N 19 degrees 10'53"W 1410.99 feet of a line that is 250 feet parallel to the west right-of-way of said highway to where it intersects the section line of Sec. 14, T5N, R24E; thence N 89 degrees 52'34"W 1635.59 feet along the north section line of said section to the northeast corner

of the NW1/4 of NW1/4, Sec. 14, T5N, R24E; thence S 1 degree 00'22"E 270.00 feet along the east forty line of said forty; thence N 89 degrees 52'34"W 299.67 feet; thence N 1 degree 00'22"W 270.00 feet back to the north section line of Sec. 14, T5N, R24E; thence N 89 degrees 52'34"W 1022.58 feet to the northwest corner of said section; thence N 1 degree 40'22"W 450.56 feet along the west section line of Sec. 11, T5N, R24E to a point that is 250 feet parallel to the north right-of-way of a side road off Porter Andrews Road; thence a chord bearing of N 85 degrees 14'23"E 839.74 feet of a line that is 250 feet parallel to the north right-of-way of said road to a point that is 290.4 feet parallel to Porter Andrews Road; thence N 1 degree 51'21"W 565.78 feet along a line that is 290.4 feet parallel to said road; thence S 87 degrees 45'40"E 40.40 feet to a point that is 250 feet parallel to said road; thence N1 degree 51'42"W 1122.58 feet of a line that runs 250 feet parallel to said road to where the road turns to the right at which the line continues straight on; thence N 43 degrees 46'20"E 187.42 feet; thence N 61 degrees 39'17"E 191.78 feet; thence N 68 degrees 27'37"E 155.00 feet; thence N 68 degrees 27'37"E 155.00 feet to the west forty line of the NE1/4 of SW1/4, Sec. 11, T5N, R24E; thence N 1 degree 37'02"W 175.00 feet along said west forty line to the northwest corner of said forty and the intersection with the Existing Corporate Limits of the City of Ozark; thence S 89 degrees 47'10"E 636.88 feet along the north forty line of said forty and the Corporate Limits to the intersection of the west right-of-way of Alabama Hwy. 123 and also the northwest corner of the property annexed in 1992; thence S 71 degrees 09'09"W 181.00 feet; thence S 23 degrees 28'52"E 140.00 feet to the north right-of-way of Balkcorn Road; thence N 67 degrees 25'03"E 50.00 feet along said north right-of-way; thence S 27 degrees 34'55"E 24.18 feet to the south right-of-way of said road; thence S 12 degrees 11'35"E 85.00 feet; thence S 14 degrees 42'44"E 93.00 feet; thence N 64 degrees 16'30"E 43.57 feet; thence S 24 degrees 42'07"E 75.00 feet; thence N 67 degrees 25'57"E 150.00 feet to the west right-of-way of Alabama Hwy. 123; thence N 52 degrees 45'46"E 61.47 feet to the east right-of-way of said highway; thence N 41 degrees 28'38"E 420.00 feet to the north line of the NE1/4 of SW1/4, Sec. 11, T5N, R24E and where previously annexed line intersected the Existing Corporate Limits of the City of Ozark; thence S 89 degrees 47'10"E 168.39 feet along the north forty line of said forty and the Existing Corporate Limits to the POINT OF BEGINNING. The herein described property lying in and being a portion of the NW1/4 of SW1/4, NE1/4 of SW1/4, and the SW1/4 of SW1/4 and the SE1/4 of SW1/4 and the SE1/4, Sec. 11, T5N, R24E; Lying in and being a portion of the SW1/4 of SW1/4, Sec. 12, T5N, R24E; lying in and being a portion of the NW1/4 of NW1/4, SW1/4 of NW1/4 and the SE1/4 of NE1/4, Sec. 13, T5N, R24E; lying in and being a portion

of the NW1/4 of NW1/4, NW1/4 of NE1/4, SW1/4 of NE1/4, NW1/4 of SE1/4 and NE1/4 of SE1/4 and the E1/2 of the NE1/4, Sec. 14, T5N, R24E; and lying in and being a portion of the NW1/4 of NE1/4, Sec. 23, T5N, R24E, Dale County, Alabama and containing 564 acres more or less. This description was written from a digitized tax map and does not represent an actual survey and should not be used for individual property conveyance.

EXHIBIT "C"

Beginning at a point on the present boundary line of the Corporate Limits of the City of Ozark, Dale County, Alabama at the southwest corner of the W1/2 of the NE1/4, Sec. 11, T5N, R24E and running along the Existing Corporate Limits thence N 1 degree 33'42"W 2665.93 feet along said west line of the W1/2 to the section line of Sec. 11, T5N, R24E; thence N 1 degree 33'42"W 1320.00 feet along the west forty line of the SW1/4 of SE1/4, Sec. 2, T5N, R24E to the northwest corner of said forty and where the proposed line leaves the original corporate limits; thence S 89 degrees 41'55"E 1328.85 feet along the north line of said forty to the northeast corner; thence S 1 degree 30'21"E 1320.00 feet along the east line of said forty to the section line of Sec. 2, T5N, R24E; thence S 1 degree 30'21"E 445.97 feet along the east forty line of the NW1/4 of NE1/4, Sec. 11, T5N, R24E; thence S 66 degrees 50'47"E 420.00 feet; thence S 32 degrees 55'47"W 675.00 feet to the east forty line of the NW1/4 of NE1/4; thence S 1 degree 30'21"E 1485.86 feet along the east line of the W1/2 of the NE1/4 to the southeast corner of said W1/2; thence N 89 degrees 47'10"W 1324.91 feet along the south line of said W1/2 to the POINT OF BEGINNING. The herein described property being the SW1/4 of SE1/4, Sec. 2, T5N, R24E and lying in and being a portion of the NE1/4 of NE1/4 and the W1/2 of the NE1/4, Sec. 11, T5N, R24E, Dale County, Alabama and containing 125 acres more or less. This description was written from a digitized tax map and does not represent an actual survey and should not be used for individual property conveyance.

EXHIBIT "D"

Beginning at a point on the present boundary line of the Corporate Limits of the City of Ozark, Dale County, Alabama at the northwest corner of the NE1/4 of SE1/4, Sec. 26, T6N, R24E and running thence S 89 degrees 23'33"E 255.00 feet along the north line of said forty; thence S 2 degrees 09'02"W 1076.49 feet to a point that is 250 feet parallel to the north right-of-way of Stuart Tarter Road; thence a chord bearing of S 62 degrees 56'40"E 7037.01 feet along a line that is 250 feet parallel to said road to the west section line of Sec. 31, T6N, R25E; thence S 1 degree 18'48"W 223.01 feet along said section line; thence S 55 degrees 09'18"E

247.90 feet; thence N 8 degrees 18'53"E 1132.65 feet; thence N 74 degrees 16'29"W 355.91 feet to the west line of said section; thence S 80 degrees 03'02"W 100.13 feet; thence N 36 degrees 29'23"W 391.55 feet; thence N 85 degrees 22'26"E 340.03 feet to the west line of said section; thence S 89 degrees 36'30"E 764.18 feet; thence N 22 degrees 35'15" W 268.26 feet to the north section line of Sec. 31, T6N, R25E; thence N 86 degrees 17'44"E 1315.84 feet along said north section line to the northeast corner of the W1/2 of the NE1/4 of NW1/4, Sec.31, T6N, R25E; thence S 1 degree 25'53"W 3903.07 feet to the southeast corner of the NE1/4 of SW1/4, Sec. 31, T6N, R25E; thence S 84 degrees 50'06"W 656.91 feet to the southwest corner of said forty; thence S 1 degree 23'28"W 1334.60 feet to the section line at the southeast corner of SW1/4 of SW1/4, Sec. 31, T6N, R25E; thence S 83 degrees 56'34"W 1314.48 feet to the southwest corner of Sec. 31, T6N, R25E; thence N 1 degree 18'48"E 3056.81 feet along the west section line of said section to a point that; thence a chord bearing of N 62 degrees 52'23"W 7333.13 feet along a line 250 feet parallel to Stuart Tarter Road to the west forty line of the SE1/4 of SE1/4, Sec. 26, T6N, R24E; thence N 2 degrees 09'02"E 373.59 feet to the northwest corner of said forty and the intersection with the Existing Corporate Limits of Ozark; thence N 2 degrees 09'02"E 1236.12 feet along the Existing Corporate Limits to the POINT OF BEGINNING. The herein described property lying in and being a portion of the SW1/4 of SW1/4 and SE1/4 of SW1/4, Sec. 25, T6N, R24E; lying in and being portion of the NE1/4 of SE1/4 and the SE1/4 of SE1/4, Sec. 26, T6N, R24E; lying in and being a portion of the NW1/4 of NW1/4, NE1/4 of NW1/4, NW1/4 of NE1/4, NE1/4 of NE1/4, SW1/4 of NE1/4 and SE1/4 of NE1/4, Sec. 36, T6N, R24E; and the NW1/4 of NW1/4, NE1/4 of NW1/4, SW1/4 of NW1/4, SE1/4 of NW1/4, and NE1/4 of SW1/4 and the NW1/4 of SW1/4 and SW1/4 of SW1/4, Sec. 31, T6N, R25E, Dale County, Alabama and containing 312 acres more or less. This description was written from a digitized tax map and does not represent an actual survey and should not be used for individual property conveyance.

EXHIBIT "E"

Beginning at a point on the present boundary line of the Corporate Limits of the City of Ozark, Dale County, Alabama at a point to the north of the right-of-way of A.B. Stubbs Road in the NE1/4 of NE1/4, Sec. 16, T6N, R24E, Dale County, Alabama and running S 63 degrees 06'25"W 747.08 feet parallel to the said north right-of-way to the west forty line of the NE1/4 of NE1/4, Sec. 16, T5N, R24E; thence N 1 degree 18'29"E 745.48 feet to the northwest corner of said forty; thence S 89 degrees 55'17"E 1319.52 feet to the northeast corner of Sec. 16, T6N, R24E; thence N 2 degrees 28'50"E 45.89 feet along the forty line of the SW1/4 of

SW1/4, Sec. 10, T6N, R24E to a point that is 250 feet parallel to the north right-of-way of A.B. Stubbs Road; thence a chord bearing of N 74 degrees 52'43"E 2768.25 feet of a line that is 250 feet parallel to the north right-of-way of said road to the west forty line of the SW1/4 of SE1/4, Sec. 10, T6N, R24E; thence N 2 degrees 34'55"E 73.58 feet along said west forty line; thence N 60 degrees 54'59"E 452.85 feet; thence N 8 degrees 39'16"E 777.50 feet; thence N 87 degrees 43'48"E 930.95 feet; thence N 2 degrees 47'53"E 106.79 feet; thence N 85 degrees 14'18"E 600.84 feet to the west line of the E1/2 of the NE1/4 of SE1/4, Sec. 10, T6N, R24E; thence N 2 degrees 27'39"E 545.90 feet along said west line to the northwest corner of said E1/2; thence S 89 degrees 05'52"E 663.77 feet to the northeast corner of the NE1/4 of SE1/4; thence S 2 degrees 25'15"W 1073.18 feet along the east forty line of said forty to a point 250 feet parallel to the north right-of-way of A.B. Stubbs Road; thence a chord bearing of S 85 degrees 26'56"E 2665.11 feet of a line 250 feet parallel to the said north right-of-way to the west forty line of the NW1/4 of SE1/4, Sec. 11, T6N, R24E; thence N 2 degrees 23'23"E 551.62 feet along said west forty line; thence S 89 degrees 26'25"E 437.54 feet; thence S 1 degree 06'41"W 610.07 feet to a point that is 250 feet parallel to said road; thence a chord bearing of S 78 degrees 44'05"E 1885.32 feet of a line 250 feet parallel to said north right-of-way; thence N 2 degrees 21'30"E 1645.79 feet to the north forty line of the NE1/4 of SE1/4, Sec. 11, T6N, R24E; thence S 89 degrees 11'10" 350.00 feet to the northeast corner of said forty; thence S 2 degrees 21'30"W 600.00 feet along the east forty line of said forty; thence N 87 degrees 18'13"E 500.79 feet; thence S 1 degree 51'57"W 1320.09 feet to a point on the south right-of-way of A.B. Stubbs Road; thence N 86 degrees 35'57"E 135.00 feet along said south right-of-way; thence S 1 degree 53'21"W 322.42 feet; thence S 87 degrees 39'32"W 372.35 feet to a point 250 feet parallel to the east right-of-way of Moss Ware Road; thence a chord bearing of S3 degrees 19'13"W 5750.93 feet of a line 250 feet parallel to said east right-of-way to the north line of Sec. 24, T6N, R24E; thence S 89 degrees 52'31"E 2576.30 feet along said section line to a point 250 feet parallel to the north right-of-way of Alabama Hwy. 105; thence N 41 degrees 44'53"E 1762.83 feet along a line parallel to the said north right-of-way to the north forty line of the SW1/4 of SE1/4, Sec. 13, T6N, R24E; thence S 89 degrees 41'57"E 773.68 feet along the north forty line of said forty and the SE1/4 of SE1/4, Sec. 13, T6N, R24E to a point 250 feet parallel to the south right-of-way of said highway; thence a chord bearing of S 37 degrees 37'31"W 5000.13 feet of a line 250 feet parallel to said south right-of-way to the south forty line of the SE1/4 of NW1/4, Sec. 24, T6N, R24E; thence N 89 degrees 30'58"W 1642.65 feet along the said south forty line and the SW1/4 of NW1/4 to the section line of Sec. 24, T6N, R24E; thence N 89

degrees 14'59"W 1329.84 feet along south forty line of the SE1/4 of NE1/4, Sec. 23, T6N, R24E to the southwest corner of said forty; thence N 1 degree 45'25"E 2651.50 feet to the northwest corner of the NE1/4 of NE1/4, Sec. 23, T6N, R24E; thence N 88 degrees 50'46"W 662.12 feet to the southwest corner of the E1/2 of SW1/4 of SE1/4, Sec. 14, T6N, R24E; thence N 1 degree 19'20"E 1092.18 feet to a point 250 feet parallel to the south right-of-way of Johnson Road; thence a chord bearing of S 63 degrees 03'28"W 2176.43 feet of a line 250 feet parallel to said right-of-way; thence S 31 degrees 23'56"W 296.65 feet to the centerline of Morningview Drive; thence N 70 degrees 54'12"W 64.07 feet along the said centerline; thence S 16 degrees 16'11"W 147.02 feet; thence S 6 degrees 24'41"E 298.61 feet; thence S 70 degrees 39'25"W 153.01 feet; thence S 17 degrees 15'40"W 140.73 feet to the centerline of Elwood Road; thence N 70 degrees 19'16"W 22.73 feet along said centerline; thence S 16 degrees 40'13"W 146.37 feet; thence S 36 degrees 51'38"E 116.13 feet; thence S 70 degrees 01'39"E 965.53 feet to the north forty line of the SE1/4 of NW1/4, Sec. 23, T6N, R24E; thence S 89 degrees 02'54"E 704.92 feet to the northeast corner of said forty; thence S 1 degree 52'30"W 1330.47 feet to the southeast corner of said forty and intersection of the Existing Corporate Limits; thence N 89 degrees 14'59"W 2659.69 feet along the south line of the SE1/4, Sec. 23, T6N, R24E; thence S 89 degrees 58'04"W 1760.84 feet along the south line of the NE1/4, Sec. 22, T6N, R24E; thence N 1 degree 46'19"E 1342.13 feet to the south forty line of the NW1/4 of NE1/4, Sec. 22, T6N, R24E; thence N 89 degrees 57'06"W 884.32 feet to the southeast corner of said forty; thence S 27 degrees 30'51"W 756.90 feet; thence N 89 degrees 59'18"W 661.72 feet; thence N 1 degree 25'10"E 1344.76 feet; thence N 89 degrees 54'17"W 332.32 feet to the west forty line of the NE1/4 of NW1/4, Sec. 22, T6N, R24E; thence N 1 degree 20'20"E 1340.46 feet along the said west forty line and the west forty line of the SE1/4 of SW1/4, Sec. 15, T6N, R24E; thence N 89 degrees 44'37"W 1331.32 feet to the west forty line of the SW1/4 of SW1/4, Sec. 15, T6N, R24E; thence S 1 degree 23'40"W 670.65 feet to the southeast corner SE1/4 of SE1/4, Sec. 16, T6N, R24E; thence S 1 degree 06'24"W 1347.02 feet to the southeast corner of the NE1/4 of NE1/4, Sec. 21, T6N, R24E; thence N 88 degrees 59'43"W 655.57 feet along the south forty line of said forty; thence S 1 degree 06'24"W 1347.02 feet to the south forty line of the SE1/4 of NE1/4, Sec. 21, T6N, R24E; thence S 88 degrees 59'43"E 445.57 feet along the south forty line of said forty; thence S 1 degree 06'24"W 420.00 feet; thence S 88 degrees 59'43"E 210.00 feet to the east forty line of the NE1/4 of SE1/4, Sec. 21, T6N, R24E; thence S 1 degree 06'24"W 1989.05 feet along the east section line of Sec. 21, T6N, R24E; thence N 89 degrees 47'52"E 313.18 feet; thence S 1 degree 06'24"W 285.00 feet to the south section line of Sec. 22,

T6N, R24E; thence S 89 degrees 47'52"W 313.18 feet to the southeast corner of Sec. 21, T6N, R24E; thence N 88 degrees 59'43"W 1311.13 feet to the southwest corner of the SE1/4 of SE1/4, Sec. 21, T6N, R24E; thence N 1 degree 06'24"E 5388.10 feet to the north section line at the northwest corner of the NE1/4 of NE1/4, Sec. 21, T6N, R24E; thence N 88 degrees 59'43"W 612.20 feet along the said north section line; thence NORTH 1333.54 feet to the south forty line of the NW1/4 of SE1/4, Sec. 16, T6N, R24E; thence N 89 degrees 13'40"W 169.52 feet along the said south forty line; thence a chord bearing of N 6 degrees 53'58"E 1340.81 feet of a parallel line to the east right-of-way of Alabama Hwy. 123 to the south forty line of the SW1/4 of NE1/4, Sec. 16, T6N, R24E; thence N 89 degrees 27'35"W 250.00 feet along said south forty line; thence a chord bearing of the city limits line running up the said highway N 3 degrees 37'05"E 1251.38 feet; thence S 87 degrees 15'08"E 333.58 feet; thence a chord bearing of a line parallel to the south right-of-way of A.B. Stubbs Road N 64 degrees 08'21"E 1332.53 feet; thence N 28 degrees 29'48"W 149.00 feet to the said right-of-way; thence N 60 degrees 45'16"E 113.93 feet along said right-of-way; thence N 0 degrees 29'58"E 254.37 feet to the POINT OF BEGINNING.

LESS AND EXCEPT:

Beginning at the southeast corner of the SW1/4, Sec. 10, T6N, R24E, Dale County, Alabama, and running along said south section line thence N 88 degrees 53'23"W 237.16 feet; thence N 7 degrees 27'13"E 45.98 feet to a point 250 feet parallel to the south right-of-way of A.B. Stubbs Road; thence a chord bearing of N 62 degrees 43'00"E 1565.03 feet of a line 250 feet parallel to said right-of-way; thence S 1 degree 06'48"W 246.66 feet; thence S 80 degrees 41'45"E 188.77 feet to the east forty line of the SW1/4 of SE1/4, Sec. 10, T6N, R24E; thence N 2 degrees 30'04"E 394.85 feet along said east forty line to a point 250 feet parallel to the south right-of-way of A.B. Stubbs Road; thence a chord bearing of S 85 degrees 02'12"E 5915.93 feet along a parallel line to said right-of-way; thence S 7 degrees 07'31"W 458.37 feet; thence S 81 degrees 37'03"W 145.71 feet to the north line of the E1/4 of Sec. 14, T6N, R24E; thence N 89 degrees 19'40"W 404.00 feet to the northwest corner of said E1/4; thence S 1 degree 22'01"W 3800.78 feet along the west line of said E1/4 to a point 250 feet parallel to the north right-of-way of Johnson Road; thence a chord bearing of a line 250 feet parallel to said right-of-way N 80 degrees 23'28"W 1340.75 feet to the east forty line of the NE1/4 of SW1/4, Sec. 14, T6N, R24E; thence N 1 degree 16'38"E 2268.20 feet to the northeast corner of the SE1/4 of NW1/4, Sec. 14, T6N, R24E; thence N 89 degrees 12'29"W 1330.53 feet to the northwest corner of said forty; thence S 1 degree 11'13"W 2642.84 feet to the southwest corner of the NE1/4 of SW1/4, Sec. 14, T6N, R24E; thence S 88 degrees 58'02"E 40.51 feet along the south forty line of

said forty to a point 250 feet parallel to the north right-of-way of Johnson Road; thence a chord bearing of S 23 degrees 29'37"W 2273.22 feet along a line 250 feet parallel to said right-of-way; thence N 49 degrees 59'50"W 11.45 feet; thence N 65 degrees 19'42"W 547.25 feet to the west section line of Sec. 23, T6N, R24E; thence N 2 degrees 06'29"E 33.85 feet along said west section line; thence N 65 degrees 07'27"W 207.21 feet to a point 250 feet parallel to the north right-of-way of Ridgecrest Drive; thence a chord bearing of a line 250 feet parallel to said right-of-way N 16 degrees 10'38"W 3802.12 feet to the east forty line of the SW1/4 of NE1/4, Sec. 15, T6N, R24E; thence N 1 degree 10'19"E 758.02 feet along said east forty line to the northeast corner of said forty; thence N 89 degrees 08'04"W 959.31 feet along the north forty line of said forty to a point 250 feet parallel to the north right-of-way of Ridgecrest Drive; thence a chord bearing of N 51 degrees 28'24"W 461.87 feet west forty line of the NW1/4 of NE1/4, Sec. 15, T6N, R24E; thence N 1 degree 14'48"E 1047.76 feet to the POINT OF BEGINNING. The herein described property lying in and being a portion of the NW1/4 of SE1/4, NE1/4 of SE1/4, SW1/4 of SW1/4, SE1/4 of SW1/4, SW1/4 of SE1/4 and SE1/4 of SE1/4, Sec. 10, T6N, R24E; lying in and being a portion of the NW1/4 of SW1/4, NE1/4 of SW1/4, NW1/4 of SE1/4, NE1/4 of SE1/4, SW1/4 of SW1/4, SE1/4 of SW1/4, SW1/4 of SE1/4 and SE1/4 of SE1/4, Sec. 11, T6N, R24E; lying in and being a portion of the NW1/4 of SW1/4 and SW1/4 of SW1/4, Sec. 12, T6N, R24E; lying in and being a portion of the NW1/4 of NW1/4, SW1/4 of NW1/4, NW1/4 of SW1/4, SW1/4 of SW1/4, SW1/4 of SE1/4 and SE1/4 of SE1/4, Sec. 13, T6N, R24E; lying in and being a portion of the NW1/4 of SE1/4, SW1/4 of SW1/4, SE1/4 of SW1/4 and SW1/4 of SE1/4 and the NE1/4 of NE1/4, SE1/4 of NW1/4, SE1/4 of NE1/4, NE1/4 of SW1/4, NE1/4 of SE1/4 and SE1/4 of SE1/4, Sec. 14, T6N, R24E; lying in and being a portion of the NW1/4 of NE1/4, SE1/4 of NE1/4, NE1/4 of SE1/4, SW1/4 of SW1/4 and SE1/4 of SE1/4 and the NW1/4, SW1/4 of NE1/4, N1/2 of SW1/4, NW1/4 of SE1/4, SE1/4 of SW1/4 and SW1/4 of SE1/4, Sec. 15, T6N, R24E; lying in and being a portion of the NW1/4 of NE1/4, NE1/4 of NE1/4, SW1/4 of NE1/4, NW1/4 of SE1/4 and SW1/4 of SE1/4 and the SE1/4 of NE1/4 and E1/2 of SE1/4, Sec. 16, T6N, R24E; lying in and being a portion of the SE1/4 of NE1/4 and NE1/4 of SE1/4 and the NE1/4 of NE1/4 and SE1/4 of SE1/4, Sec. 21, T6N, R24E; lying in and being a portion of the NE1/4 of NW1/4, SE1/4 of NE1/4, SE1/4 of NW1/4, SW1/4 of NE1/4, SE1/4 of NE1/4 and SW1/4 of SW1/4 and N1/2 of NE1/4, Sec. 22, T6N, R24E; lying in and being a portion of the NW1/4 of NW1/4 and NE1/4 of NW1/4 and the S1/2 of NW1/4 and E1/2 of NE1/4, Sec. 23, T6N, R24E; and lying in and being a portion of the NE1/4 of NW1/4, NW1/4 of NE1/4 and SE1/4 of NW1/4 and the W1/2 of NW1/4, Sec. 24, T6N, R24E, Dale County, Alabama and containing 1920 acres more or less. This description was written from a

digitized tax map and does not represent an actual survey and should not be used for individual property conveyance.

LESS AND EXCEPT:

Commencing at the intersection of the north right-of-way of Johnson Road and the east line of the NE1/4 of the SW1/4, Section 14, T6N, R24E, Dale County, Alabama and running along said east line thence N 1°16'38"E 550.00 feet to the POINT OF BEGINNING. Thence N 89°05'16"W 1327.35 feet to the west line of said forty, thence N 1°11'13"E 684.38 feet along said west line to the northwest corner of the said forty, thence N 1°11'13"E 1321.42 feet along the west line of the SE1/4 of the NW1/4 to the northwest corner of the said forty, thence S 89°12'29"E 1330.53 feet to the northeast corner of the said forty, thence S 1°16'38"W 1324.23 feet to the southeast corner of the said forty, thence S 1°16'38"W 684.39 feet to the POINT OF BEGINNING. The herein described property being the SE1/4 of the NW1/4 and a portion of the NE1/4 of SW1/4, T6N, R24E, Dale County, Alabama and containing 61 acres more or less.

LESS AND EXCEPT

Beginning at the intersection of the west line of the NE1/4 of the NE1/4, Sec. 16, T6N, R24E, Dale County, Alabama and the existing corporate limits of the City of Ozark and running thence N 63°06'25"E 619.86 feet along said corporate limits, thence leave the corporate limits S 4°30'43"E 252.04 feet, thence N 63°06'25"E 210.00 feet, thence N 1°23'40"E 20.00 feet, thence N 64°16'03"E 630.00 feet to the east line of said section, thence N 1°23'40"E 50.00 feet along said section line, thence S 88°36'20"E 463.00 feet, thence S 88°36'20"E 463.00 feet, thence N 1°23'40"E 377.52 feet, thence S 88°36'20"E 210.00 feet, thence N 1°23'40"E 10.00 feet, thence S 88°36'20"E 451.91 feet, thence S 1°19'15"W 159.38 feet, thence S 88°53'23"E 200.56 feet to the east line of the NW1/4 of the NW1/4, Sec. 15, T6N, R24E, thence S 01°19'15"W 851.66 feet along said forty line to the southeast corner of the said forty, thence S 1°19'15"W 1335.63 feet to the southeast corner of the SE1/4 of the NW1/4, Sec. 15, T6N, R24E, thence N 89°22'43"W 1328.60 feet to the southwest corner of said forty and the section line, thence N 89°27'35"W 1315.28 feet along the south line of the SE1/4 of the NE1/4, Sec. 16, T6N, R24E to the southwest corner of the forty, thence N 1°18'29"E 1335.96 feet to the northwest corner of the forty, thence N 1°18'29"E 159.91 feet along the west line of the NE1/4 of the NE1/4 to the POINT OF BEGINNING. The herein described property being the SW1/4 of NW1/4, Sec. 15 and the SE1/4 of NE1/4, Sec. 16 and lying in and being a portion of the NW1/4 of NW1/4, Sec. 15 and the NE1/4 of NE1/4, Sec. 16, T6N, R24E, Dale County, Alabama and containing 118 acres more or less.

EXHIBIT "F"

Beginning at a point on the present boundary line of the Corporate Limits of the City of Ozark, Dale County, Alabama at the northeast corner of the NW1/4 of NW1/4, Sec. 17, T6N, R24E and running thence N 89 degrees 12'09"W 1322.30 feet along the north line of said section line to the northwest corner of the section; thence N 89 degrees 57'02"W 4037.36 feet along the north line of section 18 to the northwest corner of NE1/4 of NW1/4, Sec. 18, T6N, R24E; thence S 0 degrees 11'14"W 902.74 feet along the west line of said forty line; thence N 89 degrees 59'24"W 1341.61 feet to the west line of said section; thence S 89 degrees 11'57"W 1920.31 feet across Sec. 13, T6N, R23E to the centerline of CSX Transportation Railroad track; thence along the centerline of said track a chord bearing of N 15 degrees 52'19"W 245.10 feet; thence N 75 degrees 37'03"W 472.45 feet to the west right-of-way of U.S. Hwy. 231; thence N 27 degrees 08'05"W 208.23 feet along said right-of-way to the west forty line of the NW1/4 of NE1/4, Sec.13, T6N, R23E; thence S 0 degrees 07'02"E 407.73 feet along said forty line; thence S 45 degrees 18'29"E 182.60 feet; thence S 33 degrees 05'48"E 179.30 feet; thence S 62 degrees 27'32"E 189.63 feet to the west right-of-way of U.S. Hwy. 231; thence S 27 degrees 08'05"E 35.00 feet along said right-of-way; thence S 10 degrees 24'41"E 382.35 feet; thence S 5 degrees 37'58"W 271.70 feet; thence S 2 degrees 59'37"E 209.12 feet; thence S 15 degrees 58'33"W 136.66 feet; thence S 2 degrees 06'45"W 632.11 feet to a point 250 feet parallel to the north right-of-way of Co. Rd. 36; thence a chord bearing of N 69 degrees 17'37"W 801.07 feet of a line 250 feet parallel to said right-of-way to the centerline of Co. Rd. 11; thence a chord bearing of S 33 degrees 02'14"E 384.85 feet to the intersection of Co. Rd. 11 and Co. Rd. 36; thence a chord bearing of N 84 degrees 41'27"W 431.83 feet along the centerline of Co. Rd. 36; thence S 6 degrees 51'04"E 257.98 feet; thence S 30 degrees 24'21" E 513.86 feet; thence N 55 degrees 54'33"E 426.10 feet; thence S 59 degrees 16'23"E 209.57 feet to the centerline of Bear Creek; thence a chord bearing of S 2 degrees 40'05"W 615.55 feet along the centerline of said creek to the intersection of said creek with the north forty line of the SW1/4 of SE1/4, Sec. 13, T6N, R23E; thence S 89 degrees 22'15"W 225.11 feet along said forty line to the northwest corner of the forty; thence S 0 degrees 07'02"E 197.64 feet along the west line of the forty to the intersection with the centerline of Bear Creek; thence a chord bearing of S 11 degrees 49'55"W 1847.22 feet along the centerline of said creek to the intersection with the centerline of a dirt road known as Hopeful Church Rd.; thence a chord bearing of S 85 degrees 09'54"E 363.55 feet along the centerline of said road to the intersection with the west line of the E1/2, Sec. 24, T6N, R23E; thence S 1 degree 31'10"W 4544.68 feet along said west line to the south line of said section; thence S 1 degree 03'53"W 1325.35 feet along the west forty

line of NW1/4 of NE1/4, Sec. 25, T6N, R23E to the southwest corner of said forty; thence S 89 degrees 53'34"E 643.39 feet to the northwest corner of E1/2 of SW1/4 of NE1/4, Sec. 25, T6N, R23E; thence S 0 degrees 45'42"W 1154.20 feet along the west line of said E1/2 of said forty to the intersection of said line with the north right-of-way of Co. Rd. 38; thence S 71 degrees 20'58"W 299.53 feet along the said right-of-way; thence S 45 degrees 08'26"E 324.76 feet; thence N 71 degrees 06'18"E 941.08 feet; thence S 8 degrees 35'00"W 152.85 feet to the south line of the SE1/4 of NE1/4, Sec. 25, T6N, R23E; thence S 89 degrees 56'39"E 1135.00 feet along the south line of said forty to the east line of said section; thence S 89 degrees 58'53"E 1329.55 feet along the south line of the SW1/4 of NW1/4, Sec. 30, T6N, R24E to the southeast corner of said forty; thence S 0 degrees 01'03"W 75.00 feet along the west forty line of the SE1/4 of NW1/4, Sec. 30; thence S 89 degrees 58'57"E 336.29 feet to the east right-of-way of Rebecca Ln.; thence a chord bearing of S. 0 degrees 54'57"E 1248.15 feet along the east right-of-way of said road to the intersection of said right-of-way with the south forty line of the NE1/4 of SW1/4, Sec. 30; thence S 89 degrees 58'36"E 969.07 feet along the south forty line of the said forty to the southeast corner of said forty and intersection of the existing Corporate Limits of Ozark; thence N 0 degrees 11'05"E 3581.22 feet along said Corporate Limits and the east line of the W1/2 of Sec. 30, T6N, R24E to the north right-of-way of Co. Rd. 38; thence S 53 degrees 16'43"W 521.88 feet along the north right-of-way; thence N 33 degrees 04'50"W 184.25 feet; thence N 1 degree 22'23"E 551.79 feet to the north line of Section 30, T6N, R24E; thence N 1 degree 27'25"E 443.48 feet; thence N 63 degrees 52'30"E 528.73 feet to the east right-of-way of U.S. Hwy. 231; thence N 26 degrees 51'19"W 719.34 feet along the said right-of-way to the north forty line of the SE1/4 of SW1/4, Sec. 19, T6N, R24E; thence N 89 degrees 58'47"E 1036.91 feet along the north forty lines of said forty and the SW1/4 of SE1/4 of said section to the northeast corner of the W1/2 of the SW1/4 of SE1/4; thence S 0 degrees 58'08"W 1324.58 feet to the south line of Section 19, T6N, R24E; thence S 48 degrees 18'28"W 314.88 feet, thence S 48 degrees 18'28"W 314.88 feet to the east right-of-way of U.S. HWY. 231; thence S 27 degrees 21'39"E 1254.05 feet along the east right-of-way of said highway to the intersection of said right-of-way with the north forty line of the SW1/4 of NE1/4, T6N, R24E; thence S 89 degrees 59'10"E 210.00 feet along the north forty line of said forty line; thence S 34 degrees 45'28"E 1175.00 feet parallel to the east right-of-way of U.S. HWY. 231; thence S 55 degrees 10'15"W 220.00 feet to the said right-of-way; thence S 37 degrees 17'28"E 677.23 feet along said right-of-way to the south forty line of the NW1/4 of SW1/4, Sec. 29, T6N, R24E; thence S 89 degrees 00'15"E 1047.13 feet along said south forty line to the southeast corner of said forty; thence S 0 degrees 32'06"W 1317.75 feet along the west forty line of the SE1/4 of SW1/4, Sec. 29,

T6N, R24E to the southwest corner of said forty; thence S 89 degrees 14'54"E 1310.05 feet along the south forty line of said forty to the southeast corner of said forty; thence N 0 degrees 33'03"E 2624.33 feet along the east line of the W1/2 of Sec. 29, T6N, R24E to the center of the section; thence S 88 degrees 45'37"E 1310.87 feet along the south line of the W1/2 of NE1/4, Sec. 29, T6N, R24E to the southeast corner of said eighty; thence N 0 degrees 34'02"E 2613.16 feet along the east line of the said eighty to the north line of the section; thence S 88 degrees 16'23"E 1311.79 feet along the south line of Sec. 20, T6N, R24E to the southeast corner of said section; thence S 88 degrees 59'43"E 2622.26 feet along the south line of the W1/2 of Sec. 21, T6N, R24E to the southeast corner of said W1/2; thence N 1 degree 06'24"E 5388.10 feet along the east line of W1/2 to the north line of the section; thence N 1 degree 13'15"E 1635.01 feet along the east line of the SW1/4 of Sec. 16, T6N, R24E to the point where the line intersects a line 250 feet parallel to the west right-of-way Alabama Hwy. 123; thence a chord bearing of N 4 degrees 54'55"E 2352.34 feet 250 feet parallel to the west right-of-way of said road; thence S 81 degrees 28'28"W 811.29 feet; thence S 8 degrees 31'32"E 40.00 feet to a point 250 feet parallel the north right-of-way of Co. Rd. 54; thence a chord bearing of N 74 degrees 05'55"W 1503.18 feet of a line 250 feet parallel said road to a point where the Existing Corporate Limits of Ozark continues parallel the said right-of-way but the proposed line turns; thence N 1 degree 02'39"E 769.56 feet; thence N 69 degrees 48'36"W 222.30 feet to the north section line of Sec. 16, T6N, R24E; thence N 89 degrees 55'17"W 329.88 feet along said north line to the northwest corner of the section and the proposed line intercepts the Existing Corporate Limits of Ozark again; thence along said Corporate Limits S 1 degree 02'39"W 1213.27 feet along the east line line of Sec. 17, T6N, R24E to the intersection of said line with the north right-of-way of Co. Rd. 54; thence a chord bearing of S 39 degrees 36'05"W 3967.11 feet along said north right-of-way to the intersection of said right-of-way with the east line of the NW1/4 of NW1/4, Sec. 17, T6N, R24E; thence N 0 degrees 59'58"E 1296.08 feet along the east line of said forty to the northeast corner of the forty and the POINT OF BEGINNING. The herein described property lying in and being a portion of the NW1/4 of NE1/4, SW1/4 of NE1/4, SE1/4 of NW1/4, NE1/4 of SW1/4, SE1/4 of SW1/4, and NW1/4 of SE1/4 and the E1/4 and SW1/4 of SE1/4 of Sec. 13, T6N, R23E; lying in and being a portion of the NE1/4 of NW1/4 and the E1/2 of Sec. 24, T6N, R23E; lying in and being a portion of the SW1/4 of NE1/4 and NW1/4 of SE1/4 and the E1/2 of NE1/4 and NW1/4 of NE1/4, T6N, R23E; lying in and being a portion of the NW1/4 of NWN1/4, SW1/4 of NW1/4, SE1/4 of NW1/4, SW1/4 of NE1/4, and NW1/4 of SE1/4 and the SW1/4 of Sec. 16, T6N, R24E; lying in and being a portion of the NE1/4 of NW1/4, SE1/4 of NW1/4, NW1/4 of NE1/4, NE1/4 of NE1/4, SW1/4 of NE1/4,

and SE1/4 of NE1/4 and the NW1/4 of NW1/4, SW1/4 of NW1/4, and S1/2 of Sec. 17, T6N, R24E; lying in and being a portion of the NW1/4 of NW1/4 and NE1/4 of NW1/4, S1/2 of NW1/4 and S1/2 of Sec. 18, T6N, R24E; lying in and being a portion of the SE1/4 of SW1/4 and SW1/4 of SE1/4 and N1/2, N1/2 of SW1/4, SW1/4 of SW1/4 and NW1/4 of SE1/4, Sec. 19, T6N, R24E; Sec. 20, T6N, R24E; W1/2 of Sec. 21, T6N, R24E; NW1/4, W1/2 of NE1/4, NW1/4 of SW1/4, and E1/2 of SW1/4, Sec. 29, T6N, R24E; and the NE1/4 of NW1/4, NW1/4 of NE1/4, SW1/4 of NE1/4, SE1/4 of SE1/4, NE1/4 of SW1/4 and NE1/4 of SE1/4 and W1/2 of NW1/4, SE1/4 of NW1/4 and NE1/4 of NE1/4, Sec. 30, T6N, R24E, Dale County, Alabama and containing 4335 acres more or less. This description was written from a digitized tax map and does not represent an actual field survey and should not be used for individual property conveyance.

LESS AND EXCEPT:

Beginning at the point where Co. Rd. 36 and Co. Rd. 11 intersect and running thence along the centerline of Co. Rd. 11 a chord bearing of N 33°02'14"W 384.85 feet to a point that is 250 feet parallel to the north right-of-way of Co. Rd. 36, thence a chord bearing of S 70°52'35"E 693.01 feet of a line 250 feet parallel to the north right-of-way of Co. Rd. 36, thence S 26°22'53"W 604.32 feet, thence S 55°54'33"W 381.04 feet, thence N 30°24'21"W 513.86 feet, thence N 6°51'04"W 257.98 feet to the centerline of Co. Rd. 36, thence a chord bearing of S 84°41'27"E 431.83 feet along said right-of-way to the POINT OF BEGINNING. The herein described property lying in and being a portion of the NE1/4 of SW1/4, SE1/4 of SW1/4, NW1/4 of SE1/4 and SW1/4 of SE1/4, T6N, R23E, Dale County, Alabama and containing 11 acres more or less. This description was written from a digitized tax map and does not represent a actual field survey and should not be used for individual conveyance.

EXHIBIT "G"

Beginning at a point on the present boundary line of the Corporate Limits of the City of Ozark, Dale County, Alabama on the north section line of SEC. 7, T5N, R23E, N 89 degrees 52'46"W 1990.00 feet from the northeast corner of said section and running thence S 0 degrees 40'15"E 726.84 feet along the Existing Corporate Limits; thence S 69 degrees 01'18"E 131.99 feet; thence S 0 degrees 40'15"E 529.63 feet; thence S 89 degrees 56'53"W 477.47 feet; thence S 2 degrees 06'42"E 2518.47 feet to a point on the south right-of-way of Alabama Hwy. 249; thence S 4 degrees 57'18"W 251.50 feet along said right-of-way to a point where the proposed City Limits begins; thence S 88 degrees 53'14"W 261.82 feet; thence N 2 degrees 14'51"W 660.95 feet to the south right-of-way of Campground Road; thence a chord bearing of N 52 degrees 00'23"W 3357.63 feet along said south right-of-way to a point on the south forty line of the

NE1/4 of NE1/4, Sec. 12, T5N, R23E; thence N 89 degrees 25'24"W 2662.23 feet to the southwest corner of the NW1/4 of NE1/4, Sec. 12, T5N, R23E; thence N 0 degrees 39'09"W 1345.39 feet to the northwest corner of said forty; thence S 89 degrees 39'17"E 2696.24 feet to the northeast corner of Sec. 12, T5N, R23E; thence S 89 degrees 52'46"E 3183.43 feet to the POINT OF BEGINNING. The herein described property lying in and being in the NW1/4 of NE1/4, SW1/4 of NE1/4, NW1/4 of SE1/4, SW1/4 of SE1/4, NE1/4 of SW1/4, SE1/4 of NW1/4 and SW1/4 of NW1/4 and the N1/2 of NW1/4, Sec. 7, T5N, R23E; lying in and being a portion of the SE1/4 of NE1/4 and the N1/2 of NE1/4, Sec. 12, T5N, R23E, Dale County, Alabama and containing 259 acres more or less. This description was written from a digitized tax map and does not represent an actual survey and should not be used for individual property conveyance.

EXHIBIT "H"

Commencing at the northeast corner of Sec. 32, T6N, R24E, Dale County, Alabama and running thence WEST 1320.00 feet to the POINT OF BEGINNING; thence SOUTH 1320.00 feet, thence WEST 500.00 feet, thence NORTH 1320.00 feet, thence EAST 500.00 feet to the POINT OF BEGINNING. The herein described property lying in and being a portion of the NW1/4 of NE1/4, Sec. 32, T6N, R24E, Dale County, Alabama and containing 15.15 acres more or less.

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the City of Ozark is on file in the office of the Judge of Probate in Dale County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:34 P.M.

Act No. 93-367

S. 98 – Senator deGraffenried

AN ACT

To amend Section 8 of Act 91-323 of the 1991 Regular Session, appearing as Section 16-3-18.2, Code of Alabama 1975, to require local boards of education to establish voluntary tutorial programs.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 8 of Act 91-323 of the 1991 Regular Session, appearing as Section 16-3-18.2, Code of Alabama 1975, is amended to read as follows:

“§16-3-18.2.

“(a) The legislature directs the state board of education to eliminate the social promotion of students by strengthening the promotion and retention standards required of all local school systems. Such policy shall provide that no student shall be allowed to pass to a higher grade or course level so long as he or she fails to achieve at grade level or fails to master the established standards for a particular grade level, level of learning or subject matter content achievement level. The decision as to whether to promote a kindergarten student to Grade 1 shall rest solely with that student’s kindergarten teacher and school principal. Such decision shall be final. Any appeal of this decision must be made to the local school board and any vote to overturn such decision must be taken by said board in a public meeting and must be by majority vote of said board. Any rules and regulations adopted by the state board of education pursuant to this section shall be exempt from the provisions of section 41-22-3(3).

“(b) The legislature recognizes that increased academic requirements, as required by section 16-3-15, linked to the establishment of promotion and retention standards, as measured by the program for assessment of student achievement, in section 16-3-18.3, may increase the dropout rate for students in the public schools of the state of Alabama. It is the intent of the legislature that alternative academic programs shall be established and available to all students prior to the implementation of increased academic requirements and expectations for students. Local boards of education shall provide counseling, tutorial assistance, and remediation when necessary to ensure that students are literate in the skills identified in the required courses of study and have achieved standards of the grade level of learning or course content.

“(c) Local boards of education shall establish and supervise volunteer tutorial programs to provide tutorial services to students. The local board of education may pay the volunteer tutor for actual expenses incurred. The program shall be provided at such times and in such locations as will provide assistance to the most students. The board shall make a concerted effort to obtain the voluntary services of parents of school children and permit these parents to tutor school children of the school that the child of the parent attends. The purpose of this subsection is (1) to provide additional educational assistance to students in the most cost-effective manner, and (2) to foster a better understanding and relationship between parent, child, teacher, and school administrator.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:35 P.M.

Act No. 93-368

S. 426 – Senator deGraffenried

AN ACT

To provide for school attendance standards and the operation of motor vehicles by certain persons; and to provide a prospective effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. The Department of Public Safety shall deny a driver's license or a learner's license for the operation of a motor vehicle to any person under the age of 19 who does not, at the time of application, present a diploma or other certificate of graduation issued to the person from a secondary high school of this state or any other state, or documentation that the person: (1) is enrolled and making satisfactory progress in a course leading to a general educational development certificate (GED) from a state approved institution or organization, or has obtained the certificate; (2) is enrolled in a secondary school of this state or any other state; (3) is participating in a job training program approved by the State Superintendent of Education; (4) is gainfully and substantially employed; (5) is a parent with the care and custody of a minor or unborn child; (6) has a physician certify that the parents of the person depend on his/her as their sole source of transportation; or (7) is exempted from this requirement due to circumstances beyond his or her control as provided in this act or pursuant to Chapter 28 (commencing with Section 16-28-1) of Title 16 of the Code of Alabama 1975, as amended.

The attendance officer or chief attendance administrator, upon request, shall provide documentation of enrollment status on a form approved by the Department of Education to any student 15 years of age or older who is properly enrolled in a school under the jurisdiction of the official, for presentation to the Department of Public Safety, on application for, or renewal or reinstatement of, a driver's license or a learner's license to operate a motor vehicle. Whenever a student 16 years of age or older withdraws from school, the attendance officer or chief attendance administrator

shall notify the Department of Public Safety of the withdrawal. Withdrawal shall be defined as more than 10 consecutive or 15 days total unexcused absences during a single semester.

Within five days of receipt of a notice of withdrawal, the Department of Public Safety shall send notice to the licensee that his or her driver's license or learner's license will be suspended under this act on the 30th day following the date the notice was sent unless documentation of compliance with this section is received by the department before the 30th day.

Whenever the withdrawal from school of the student, or the failure of the student to enroll in a course leading to or to obtain a GED or high school diploma, is beyond the control of the student, or is for the purpose of transfer to another school as confirmed in writing by the parent or guardian of the student, or is for the purpose of participating in a job training program approved by the State Superintendent of Education, no notice shall be sent by the proper school official to the Department of Public Safety to suspend the license of the student. If the student is applying for or renewing a driver's license or a learner's license, the attendance officer or chief attendance administrator, upon request, shall provide the student with documentation to present to the Department of Public Safety to exempt the student from this section. The local superintendent of education with the assistance of the county or city school attendance director as the case may be, and any other staff or school personnel, or the appropriate school official of any private secondary school, shall be the sole judge of whether the withdrawal is due to circumstances beyond the control of the person. Suspension or expulsion from school or imprisonment in a jail or penitentiary is not a circumstance beyond the control of a person.

Section 2. The State Department of Education shall distribute written guidelines to each school system for developing a written school policy in accordance with this act that outlines the definitions of "circumstances beyond the control" of any person subject to denial or revocation of the privilege of a driver's license or learner's license to operate a motor vehicle and outlines the appeal process available to the person. The school system shall give adequate written information to each student concerning these guidelines and the sanctions and rights provided for in this act.

Section 3. The Department of Education and the Department of Public Safety shall jointly adopt regulations to implement this act, including a hearing and appeal process.

Section 4. No provision of this act shall be construed to deny any right to any child granted pursuant to Sections 16-39-1 to 16-39-12, inclusive, Code of Alabama 1975.

Section 5. No provision of this act shall be construed to deny the right of any child granted pursuant to the Constitution of the United States nor to the Constitution of Alabama of 1901.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. The provisions of this act shall be construed together with any and all other laws or parts of law relating to school attendance or the operation of a motor vehicle except where there is a direct conflict herewith, in which event this act shall supersede.

Section 8. This act shall become effective at the beginning of the 1993-1994 scholastic year.

Approved May 10, 1993

Time: 3:36 P.M.

Act No. 93-369

S. 95 – Senator deGraffenried

AN ACT

Requiring the Alabama Commission on Higher Education to establish a statewide steering committee to improve participation in two-year and four-year postsecondary education and prescribing the duties of the committee; requiring the commission to enter into a contract to establish a center to provide communications regarding postsecondary education; and permitting the commission to seek supplemental funding.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama Commission on Higher Education shall establish a statewide steering committee to improve participation in two-year and four-year postsecondary education. The commission shall appoint the members of the steering committee. The committee shall be composed of representatives of each of the following groups:

- (1) Two-year postsecondary institutions.
- (2) Four-year postsecondary institutions.
- (3) The state Parent-Teacher Association.
- (4) The organization that represents the majority of education employees in the state.
- (5) The organization that represents the majority of school boards.
- (6) Governmental agencies.
- (7) Foundations.

(8) The business community.

(9) The Alabama AFL-CIO.

Section 2. The steering committee shall perform each of the following duties:

(1) Seek methods to improve participation in two-year and four-year postsecondary education.

(2) Seek methods to improve high school retention.

(3) Encourage the State Board of Education and local boards of education to adopt courses of study that prepare students for two-year and four-year technical, vocational, and academic programs.

(4) Organize and supervise local groups to perform each of the following functions:

(a) Encourage participation in two-year and four-year postsecondary education.

(b) Improve high school retention.

(c) Encourage the adoption by the local board of education of two-year and four-year postsecondary education preparatory courses of study.

(d) Provide tutorial, counseling, and other educational assistance to local junior and senior high school students.

(5) Advise the Alabama Commission on Higher Education regarding the operation of the postsecondary education communication center established in Section 3.

Section 3. (a) The commission shall enter into a contract with a state educational institution to establish a postsecondary education communication center to operate a statewide computer network and to perform the functions prescribed in this section. The commission shall supervise the operation of the center. The functions and services of the post-secondary education communication center shall not duplicate the functions and services provided by the computer articulation program operated by Troy State University.

(b) The center shall assist and support the steering committee and local groups in fulfilling their duties.

(c) The center shall develop and provide an interactive communication system that accomplishes each of the following:

1. Creates awareness among students and their families of the important role of education in providing a foundation for future well-being.

2. Provides information services to facilitate educational attainment, participation in postsecondary education, and career development.

3. Assists students and their families to assess student preparedness for two-year and four-year postsecondary education.

(d) The center shall annually establish a data base of all ninth graders whose parents authorize the steering committee or a local group to include the child in the data base. The center shall develop communications to provide to local groups and the steering committee to distribute to these ninth graders and to other interested persons. These communications may include surveys, newsletters, reports of student preparedness for two-year and four-year postsecondary education, and high school planning books.

(e) The center shall operate a toll-free telephone information number providing students and their parents information regarding two-year and four-year technical, vocational, and academic programs, career planning, financial aid, admission requirements, course of study majors, support services, athletics, and other relevant matters. The center shall implement necessary communication methods to inform the public of the availability of the toll-free telephone service.

(f) The center shall engage in necessary research to better understand the decision-making process and intervention strategies that affect the decision of a student to remain in high school and pursue a two-year or four-year postsecondary education.

Section 4. The Alabama Commission on Higher Education may seek additional funding from foundations, governmental entities, federal grants, businesses, and other sources to supplement the state funding necessary to implement this act.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:37 P.M.

Act No. 93-370

S. 97 – Senator deGraffenried

AN ACT

To require local boards of education to provide to certain students instruction in parental responsibility, the importance of an education, and how to study.

Be It Enacted by the Legislature of Alabama:

Section 1. Each local board of education shall require, in accordance with rules and regulations of the State Board of Education, that students in grades seven to 12, inclusive, receive instruction in parental responsibilities. The content of the instructional program shall be determined by the State Board of Education.

Section 2. Each local board of education shall require, in accordance with rules and regulations of the State Board of Education, that students in grades seven to 12, inclusive, receive instruction in the importance of an education and the consequences of not obtaining a high school diploma. The contents of the instructional program shall be determined by the State Board of Education. The instructional program shall offer information appropriate to each grade level and age and level of maturity of the student.

Section 3. Each local board of education shall require, in accordance with rules and regulations of the State Board of Education, that students in grades kindergarten to 12, inclusive, receive instruction regarding how to study. The content of the instructional program shall be determined by the State Board of Education. The instructional program shall offer information appropriate to each grade level and age and level of maturity of the student.

Section 4. This act does not establish new required courses. The instructional programs required by this act shall be included in existing required courses as determined by the State Board of Education.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:38 P.M.

Act No. 93-371

S. 157 – Senator Foshee

AN ACT

To amend Section 11-6-23, Code of Alabama 1975, relating to the state Highway Department's participation in the salary of county engineer trainees.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 11-6-23, Code of Alabama 1975, is amended to read as follows:

“§11-6-23.

“(a) Upon application of the county commission or like governing body of the several counties of the state, the state Highway Department, upon approval of the state Highway Director, shall participate in the salary of the engineer trainee in the county in an amount equal to 50 percent of the annual salary of the engineer trainee. The amount to be paid to the county in equal monthly installments to reimburse the fund of the county from which the salary of the engineer trainee is paid.

“(b) The amount contributed or paid by the state Highway Department to any county under this article shall not include retirement contributions, social security, unemployment compensation, or other employee benefits, nor shall the amount contributed or paid exceed (1) 50 percent of the annual salary schedule of the state Highway Department under the graduate civil engineer classification as established by the state Highway Department for the year in which applied, or (2), in the case of an assistant to the county engineer who has served at least one year as an engineer trainee under this article and has qualified as a registered engineer in this state, 50 percent of the annual salary schedule of the state Highway Department under the graduate registered engineer classification as established by the state Highway Department for the year in which applied.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:39 P.M.

Act No. 93-372

S. 91 – Senator Langford

AN ACT

To amend Section 41-4-113 of the Code of Alabama 1975, relating to procedures for purchase of materials and supplies by state departments.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-4-113 of the Code of Alabama 1975, is hereby amended to read as follows:

“§41-4-113.

“Unless otherwise provided by law, when the head of any state department desires any office supplies or materials or other articles of use or necessity, application shall be made therefor to the Division of Purchasing, stating by items the articles desired and needed, the fund that will pay for their purchase, that the articles are necessary, that the amount of the requisition is not excessive, and that no part of the requisition will be used except in conducting the public business. The application shall be kept on file in the office of the Division of Purchasing.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:40 P.M.

Act No. 93-373

S. 259 – Senators Mitchell, Waggoner, Little,
and Smith (J)

AN ACT

To amend Section 6-5-332 of the Code of Alabama 1975, to include chiropractors in the list of persons who would not be liable for first aid or emergency care at the scene of an accident, casualty, or disaster.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6-5-332 of the Code of Alabama 1975, is amended to read as follows:

“§6-5-332.

“(a) When any doctor of medicine or dentistry, nurse, member of any organized rescue squad, member of any police or fire department, member of any organized volunteer fire department, Alabama-licensed emergency medical technician, intern or resident practicing in an Alabama hospital with training programs approved by the American Medical Association, Alabama state trooper, medical aidman functioning as a part of the military assistance to safety and traffic program, chiropractor, or public education employee gratuitously and in good faith, renders first aid or emergency care at the scene of an accident, casualty or disaster to a person injured therein, he or she shall not be liable for any civil damages as a result of his or her acts or omissions in rendering first aid or emergency care, nor shall he or she be liable for any civil damages as a result of any act or failure to act to provide or arrange for further medical treatment or care for the injured person.

“(b) Any member of the crew of a helicopter which is used in the performance of military assistance to safety and traffic programs and is engaged in the performance of emergency medical service acts shall be exempt from personal liability for any property damages caused by helicopter downwash or by persons disembarking from the helicopter.

“(c) When any physician gratuitously advises medical personnel at the scene of an emergency episode by direct voice contact, to render medical assistance based upon information received by voice or biotelemetry equipment, the actions ordered taken by the physician to sustain life or reduce disability shall not be considered liable when the actions are within the established medical procedures.

“(d) Any person who is qualified by a federal or state agency to perform mine rescue planning and recovery operations, including mine rescue instructors and mine rescue team members, and any person designated by an operator furnishing a mine rescue team to supervise, assist in planning or provide service thereto, who, in good faith, performs or fails to perform any act or service in connection with mine rescue planning and recovery operations shall not be liable for any civil damages as a result of any acts or omissions. Nothing contained in this subsection shall be construed to exempt from liability any person responsible for an overall mine rescue operation, including an operator of an affected facility and any person assuming responsibility therefor under federal or state statutes or regulations.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:41 P.M.

Act No. 93-374

H. 497 – Rep. Richardson

AN ACT

Relating to Jackson County; providing for an additional expense allowance and salary for the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing on the first day of the month immediately following the effective date of this act, the Sheriff of Jackson County shall be entitled to an additional expense allowance in the amount of fifteen thousand dollars (\$15,000) per annum, which shall be in addition to all other expense allowances, compensation,

or salary provided by law. This expense allowance shall be payable in equal monthly installments from the general fund of the county.

Section 2. Beginning with the expiration of the term of the incumbent sheriff, the annual salary for the sheriff shall be increased by fifteen thousand dollars (\$15,000) per annum, payable in equal monthly installments from the general fund of the county and at that time, Section 1 shall become null and void.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved May 10, 1993

Time: 3:42 P.M.

Act No. 93-375

H. 532 – Rep. Mathis

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the City of Geneva in Geneva County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Geneva in Geneva County are altered, rearranged, and extended to include within the corporate limits of the municipality, in addition to the lands now included, all of the following territory:

The N1/2 of SW1/4 of Section 7, Township 1 North, Range 22 East; containing 80 acres more or less. The N1/2 of SE1/4 of Section 7, Township 1 North, Range 22 East; containing 80 acres more or less. The N1/2 of Section 7, Township 1 North, Range 22 East; containing 320 acres more or less. The S1/2 of Section 6, Township 1 North, Range 22 East; containing 320 acres more or less.

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the City of Geneva is on file in the office of the Judge of Probate in Geneva County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:43 P.M.

Act No. 93-376

H. 580 – Rep. Morrow

AN ACT

Relating to Franklin County; providing for the incorporation of the Franklin County Water Service Authority as a public corporation for the purpose of furnishing water service in a service area that may be extended into one or more other counties by amendment to the certificate of incorporation; providing for the appointment, election, and compensation of directors of the authority; providing for the powers, authorities, and duties of the authority and its board of directors; providing for the establishment, revision, and collection of charges for water facilities or services rendered by it; providing for the assumption by the authority of obligations respecting systems and facilities, or parts thereof, acquired by the authority; providing that contracts entered into by the authority pursuant to this act shall not constitute or create a debt of the state or of any county, municipality, or political subdivision of the state; authorizing any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state to aid and cooperate with, lend, or donate money to, perform services, or transfer any water facility, or other property or asset to the authority; providing that the rendition by the authority of those services or facilities is a governmental function; exempting the authority from all tort liability in connection with water services or facilities; exempting the authority, its property, corporate activities, income, revenues, and securities from all taxation in this state and from the payment of certain charges to Judges of Probate; providing for the use of public roads in the state by the authority; providing for the dissolution of the authority and the disposition of its property; providing for auditing; providing that funds of the authority may be used to aid in applying for available grants; specifically abolishing existing authorities; and specifically repealing Act No. 88-914, S. 222, 1988 Regular Session (1988 Acts, p. 492.)

Be It Enacted by the Legislature of Alabama:

Section 1. When used in this act, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) **AUTHORITY.** The Franklin County Water Service Authority, a public corporation organized pursuant to this act.

(2) **BOARD.** The Board of Directors of the Franklin County Water Service Authority.

(3) **BONDS.** Bonds, notes, and certificates representing an obligation to pay money.

(4) **CONCISE LEGAL DESCRIPTION.** A reasonably concise description of a particular geographic area by metes and bounds, reference to government surveys, recorded maps or plats, municipal, county, or state boundary lines, well-defined landmarks, other monuments, or any combination of the foregoing.

(5) **COUNTY.** Franklin County.

(6) **DIRECTOR.** A member of the Board of Directors of the Franklin County Water Service Authority.

(7) **INCORPORATORS.** The persons forming a public corporation organized pursuant to this act.

(8) **MUNICIPALITY.** An incorporated city or town of Franklin County.

(9) **NEW TERRITORY.** Any territory added, by amendment to the certificate of incorporation of an authority, to the area or areas in which that authority may render water service.

(10) **PERSON.** Any natural person, public or private corporation, municipality, or county, or any agency, department, or instrumentality of the state or of a county or municipality.

(11) **PROPERTY.** Real and personal property and interests therein.

(12) **PUBLIC WATER SYSTEM.** A water system owned and operated by the United States of America, the state, a county, a municipality, a public corporation organized under the laws of the state, or any combination thereof; or any agency or instrumentality or combination thereof, or any of the foregoing that holds a reversionary or remainder interest in a public water system.

(13) **SERVICE AREA.** The geographic area or areas in which the authority is authorized by its certificate of incorporation, or any amendment thereto, to render water service, including territory located within or without the boundaries of one or more municipalities.

(14) **STATE.** The State of Alabama.

(15) **WATER SERVICE.** The providing, furnishing, supplying, or distribution of water and the performing of all of the functions and activities reasonably incidental to the operation of a water system.

(16) **WATER SYSTEM.** Land, plants, systems, facilities, buildings, and other property, or any combination thereof, that are used or useful or capable of future use in providing, furnishing, supplying, or distributing water, including but not limited to, water supply systems, water distribution systems, reservoirs, wells, intakes, mains, laterals, aqueducts, pumping stations, standpipes, filtration plants, purification plants, meters, valves, fire hydrants, all necessary appurtenances and equipment, and all properties, rights, easements, and franchises deemed necessary or desirable by the authority for use in rendering water service.

Section 2. This act is intended to aid the state and county in the execution of its duties by providing an appropriate and independent instrumentality of the state and of the county with full and adequate powers to fulfill its functions. It is the further legislative intent that the Franklin County Water Service Authority

develop a master plan of operation for the authority in consultation with all existing water authorities in Franklin County and county and local governments for the purpose of bringing about industrial development and economic expansion in the county as well as ensuring the health and safety of all citizens. Notwithstanding the foregoing, any master plan or plans for water services previously developed by the Franklin County Water Coordinating and Fire Prevention Authority shall be adopted by the Franklin County Water Service Authority.

Section 3. (a) Three applicants shall be appointed to incorporate the Franklin County Water Service Authority by filing for record in the Office of the Judge of Probate of the county a certificate of incorporation that shall comply in form and substance with the requirements of this section and shall be executed in the manner provided in this section. The applicants shall be appointed as follows: one applicant shall be appointed by the state Senator who represents the senatorial district in which Franklin County is located; one applicant shall be appointed by the Member of the House of Representatives representing Franklin County; and one applicant shall be appointed by the Franklin County Commission.

(b) The certificate of incorporation of the authority shall include the following:

(1) The names and residences of the persons forming the authority, and a statement that each is a qualified elector of the county, a resident of the county, and an owner of real property in the area of Franklin County in which the authority proposes to render water service.

(2) The name of the authority, which shall include the words "Franklin County Water Service Authority."

(3) The duration period of the authority.

(4) The name of the county in which incorporated, and the date of incorporation.

(5) The location of the principal office of the authority, which shall be in Franklin County.

(6) Matters relating to participation by citizens in the authority and the existence of any connection, meter, or user fees or rates, and provisions for any changes therein.

(7) A concise legal description of the area or areas in which the authority proposes to render water service.

(8) A statement that a master plan shall be developed or any existing master plan adopted for the authority.

(9) Any other matters relating to the authority that the incorporators choose to insert and that are not inconsistent with this act or with the laws of the state.

(c) The certificate of incorporation shall be signed and acknowledged by the incorporators before an officer authorized by the laws of the state to take acknowledgments to deeds.

(d) When the certificate of incorporation is filed for record, there shall be attached to it a certificate by the Secretary of State that the name proposed for the authority is not identical to that of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty.

(e) The judge of probate shall promptly examine all documents. If he or she finds that all documents are complete and regular and that the form and contents of the certificate of incorporation comply with this act, the judge shall enter and sign an order setting forth his or her findings and requiring all documents to be recorded. Upon the filing for record of the order and the documents referred to therein, the authority shall be created and shall constitute a public corporation under the name set forth in the certificate of incorporation.

(f) The judge shall thereupon send a notice to the Secretary of State that the certificate of incorporation of the authority has been filed for record.

Section 4. (a) The certificate of incorporation of the authority incorporated under this act may at any time and from time to time be amended in the manner provided in this section.

(b) (1) The board of directors of the authority shall first adopt a resolution proposing an amendment to the certificate of incorporation which shall be set forth in full in the resolution. The amendment may include any of the following:

a. A change in the name of the authority.

b. The addition to the service area of the authority of new territory lying within Franklin County.

c. Provisions for the operation of a system or facility not currently provided for in the certificate of incorporation of the authority for which the authority is authorized by this act to operate.

d. Any matters which could have been included in the original certificate of incorporation.

e. Provisions for the addition to the service area of the authority of new territory lying outside Franklin County, together with

the related provisions referred to in paragraphs a, b, c, and d of subdivision (2) of this subsection.

(2) Any proposed amendment that would add new territory to the service area of the authority, and any part of which lies within any county other than Franklin County, shall include, in addition to a concise legal description of the proposed new territory and any other matters permitted by the foregoing provisions of subdivision (1) of this subsection, the following:

a. Provision for any change in the total number of directors that the board deems appropriate, with the prior approval by resolution of the county commission. In no case shall the total number of directors be less than three.

b. Provision for staggering the terms of office of the directors in the manner provided herein.

c. Any provision that the board deems appropriate for the pro rata allocation of the assets of the authority, upon dissolution, among the counties in which the service area lies.

(3) If the proposed amendment makes provision for the operation of a system or facility not then provided for in the certificate of incorporation of the authority, the proposed amendment shall include, in addition to a concise legal description of the area or areas in which the authority proposes to render service, an appropriate change in the name of the authority.

(c) After the adoption by the board of a resolution proposing an amendment to the certificate of incorporation of the authority, the board shall file a written notice with the county commission of each county in which any part of the authority's then existing service area lies and with the county commission of each county in which any part of the proposed new territory lies. The notice shall include the following:

(1) A statement, in the event that it is proposed to make provision for the operation of a system or facility not then provided for in the certificate of incorporation of the authority, that the authority proposes to render service from a named system or facility, contain a concise legal description of the area or areas in which the authority proposes to render the service provided for by the system or facility and a statement that there is not a public water system adequate to serve any area in which it is proposed that the authority will render service with the prior approval of the county commissions.

(2) A statement, in the event that it is proposed to add any new territory to the service area of the authority, that there is no public water system adequate to serve any new territory in which it is proposed that the authority will render water service. In lieu

of the statement required by the foregoing provisions of this subdivision, the application may state that the board of directors or similar managing body of the owner of the legal or equitable title to an existing public water system has adopted a resolution declaring its intention to convey to the authority its interest in the existing system or a leasehold estate therein.

(3) A statement, that the amendment will promote the public health, convenience, and welfare.

(4) If the proposed amendment provides for a change in the name of the authority, a certificate shall be filed by the Secretary of State showing that the proposed new name of the authority is not identical to that of any other corporation then in existence and organized under the laws of this state or so nearly similar to that of any other corporation as to lead to confusion and uncertainty.

(d) The judge of probate shall promptly examine each certificate and shall determine whether it is complete and regular on its face and whether the proposed amendment complies with this act. If the judge of probate finds that each certificate is complete and regular on its face and that the proposed amendment complies with this act, he or she shall enter and sign an order setting forth his or her findings, and requiring each certificate to be recorded. Upon the filing for record of the order and each certificate, the amendment to the certificate shall become effective.

(e) If the proposed amendment effects a change in the name of the authority, the judge of probate shall promptly send a notice to the Secretary of State, advising him or her of the change.

Section 5. (a) The authority shall be governed by a board of directors. All powers of the authority shall be exercised by the board or pursuant to its authorization.

(b) The initial board of directors shall consist of the three citizens appointed to incorporate the authority and six other directors to be appointed as follows:

(1) In addition to the appointment of one of the incorporators who shall serve an initial term of three years, the Franklin County Commission shall appoint one additional director who shall serve an initial term of three years.

(2) The county highway engineer shall serve as a perpetual member on the board of directors.

(3) With each incorporated municipality, regardless of size, having one vote in the selection, the elected mayors of all incorporated municipalities in Franklin County as a group, shall appoint one director who shall serve an initial term of two years.

(4) The chairs of the existing water authorities in Franklin County shall jointly appoint two directors who shall serve an initial term of one year.

(5) The Franklin County Fire Fighters Association and the Franklin County Rescue Association shall jointly appoint a director who shall serve an initial term of one year.

(c) The incorporator appointed by the Senator shall serve an initial term of two years and shall be chair of the board of directors.

(d) The incorporator appointed by the Member of the House of Representatives shall serve an initial term of two years.

(e) As soon as may be practicable after the organization of the authority, an election shall be held by the board of directors to elect a vice-chair and a secretary-treasurer. No person shall serve as chair more than two consecutive terms.

(f) Upon the expiration of the initial terms, successor directors shall serve a term of three years and vacancies shall be filled by the respective appointing authority that made the initial appointment. In the event of a vacancy in office due to death, disability, resignation, or impeachment, the unexpired term of the office shall be filled by appointment by the respective appointing authority making the initial appointment. No officer of the state or of any county or municipality shall be eligible to serve as a director during the term of office.

(g) Each director appointed shall be a duly qualified elector of, a resident of, and the owner of real property in the service area of the authority. No person shall be eligible to serve for more than three consecutive terms as a director. Each director shall be compensated in an amount not to exceed ten dollars (\$10) per meeting attended but not to exceed one hundred twenty dollars (\$120) per year. In addition, each director shall be entitled to twenty-five dollars (\$25) per diem expense allowance for each day spent in the performance of official business of the authority.

(h) Any director of the authority may be impeached and removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama of 1901 and the general laws of the state for impeachment and removal of the officers mentioned in Section 175.

(i) The Franklin County Commission may provide office space for the authority.

Section 6. (a) The authority shall have the following corporate powers, and all incidental or necessary powers thereto, either separately or in combination with any other system, service, or facility referred to in this section:

(1) To have succession by its corporate name for the duration of time specified in its certificate of incorporation.

(2) To sue and be sued in its own name in civil actions, except as otherwise provided in this act, and to defend civil actions against it.

(3) To adopt and make use of a corporate seal and to alter the same at pleasure.

(4) To adopt and alter by-laws for the regulation and conduct of its affairs and business.

(5) To acquire, receive, or take, by purchase, gift, lease, devise, or otherwise, and to hold property of every description, real, personal, or mixed, whether located in one or more counties and whether located within or outside the service area.

(6) To make, enter into, and execute contracts, agreements, leases, and other instruments and to take any other actions necessary or convenient to accomplish any purpose for which the authority was organized or to exercise any power expressly granted under this section.

(7) To plan, establish, develop, acquire, purchase, lease, construct, reconstruct, enlarge, improve, maintain, equip, and operate water systems, whether located in one or more counties and whether located within or outside the service area, and to acquire real and personal property, franchises, and easements deemed necessary or desirable in connection therewith.

(8) To distribute and sell water either at retail or for resale, within the service area or in any part thereof upon reasonable terms and for reasonable rates and consideration as the board may prescribe.

(9) To assume obligations secured by a lien on or payable out of or secured by a pledge of the revenues from any water system that may be acquired by the authority. Any obligation that is assumed shall be payable by the authority out of the revenues derived from the operation of any water system of the authority, or out of the revenues from tax sources or fees earmarked and payable to the authority by law.

(10) To pledge for payment of any bonds or obligations assumed by the authority any revenues from which those bonds or obligations are made payable as provided in this act.

(11) To execute and deliver mortgages, deeds of trust, or trust indentures, or any combinations thereof.

(12) To exercise the power of eminent domain in the manner provided in and subject to Title 18, Code of Alabama 1975, as amended. This subsection shall not be deemed to authorize the authority to acquire, without the consent of the owner or owners

thereof, any water supply or distribution system from which water service is at the time being furnished.

(13) To appoint, employ, contract with, and provide for the compensation of officers, employees, and agents, including, but not limited to, engineers, attorneys, management consultants, and fiscal advisers, as the business of the authority requires without regard to Sections 41-16-50 to 41-16-53, inclusive, Code of Alabama 1975, that might otherwise be applicable.

(14) To make and enforce reasonable rules and regulations governing the use of any water system owned or controlled by the authority.

(15) To provide for insurance the board deems advisable.

(16) To invest any funds of the authority that the board determines are not presently needed in the operation of its properties in bonds of the United States of America, bonds of the state, bonds of any county or municipality, interest-bearing bank deposits, or any combination thereof.

(17) To cooperate with the United States of America, any agency or instrumentality thereof, the state, any county, municipality, or other political subdivision of the state, and any public corporation organized under the laws of the state; and to contract with one or more of them as the board deems advisable to accomplish the purposes for which the authority was established.

(18) To sell and convey any of its properties that have become obsolete, worn out, or that are no longer needed or useful as a part of any water system of the authority.

(19) To sell and convey, with or without valuable consideration, any of its water systems, or any portion thereof, to any one or more counties, municipalities, or public corporations organized under the laws of the state which have the corporate power to operate the system or portions thereof so conveyed. The property and income of any of those systems shall not be subject to taxation. The authority may sell or convey any property only if the conveyances would not constitute a breach of any then outstanding mortgage, deed of trust, trust indenture, or other agreement to which the authority is a party.

(20) To enter into a management agreement or agreements with any person for the management by the authority of any water system upon mutually agreeable terms and conditions.

(21) To fix and revise, from time to time, reasonable rates, fees, or other charges for water service furnished or to be furnished by any system, or portion thereof, owned and operated by the authority and to collect all charges made by it.

(22) To cooperate and work with existing water systems and county, city, and councils of local government on public water authority projects.

(23) To use funds available to assist in applying for any available state, federal, or private grants.

The by-laws of the authority shall include, without limitation, the foregoing statements of powers, purposes, and authorities in the document. The by-laws and the certificate of incorporation may be amended at any time and from time to time.

(b) Nothing in this section shall be construed to permit an authority to acquire, receive, take, hold, establish, develop, construct, reconstruct, enlarge, improve, maintain, equip, or operate any property or water system located outside the service area, except as an incident to the rendering of water service inside the service area.

(c) Any schedule or schedules of rates and other charges adopted by the board may:

(1) Permit the authority to decline to accept payment of charges for service from any of its systems or facilities, without payment of charges for service at the same premises from any one or more of its other systems and facilities.

(2) Provide for a discontinuance of service from any or all of its systems or facilities at any premises with respect to which there is a delinquency in the payment of charges for service from any system or facility of the authority.

(3) Provide for the payment of connection fees, disconnection fees, and reconnection fees by the customers.

(4) Require as a prerequisite to providing water service the making of a deposit as security for payment of bills. The authority shall not be obligated to pay or allow interest on any such deposit.

Section 7. (a) The authority shall, in addition to all other powers now or hereafter granted by law, have the following powers and rights:

(1) To borrow money for use for any of its corporate purposes.

(2) To sell, transfer, convey, grant options to purchase, or lease all or any part of its system or systems for consideration and on terms deemed advisable and in the best interest of the authority.

(3) To consent and agree to the assignment or payment of any income received from the investment of any moneys or funds of the authority to any other public corporation or public entity, including, without limitation, the county or the State of Alabama.

(4) To loan or advance its funds to any person with or without interest as it shall determine, for the purpose of financing the construction of a system or any part thereof.

(5) To contract with others for the construction of all or any part of a system or systems.

(b) The moneys held in any special fund established by the authority may be invested in any direct obligations of the United States of America, the obligations of any agency of the United States of America, interest-bearing bank deposits, or in any securities on which the payment of the principal of and interest on is fully secured by direct obligations of the United States of America.

(c) The authority shall be under no obligation to provide service to the citizens of any municipality which shall not have granted the authority and those claiming under it a franchise for any system of the authority within a municipality without payment of any fee, charge, or cost other than the cost of publication of the ordinance granting the franchise.

(d) Any transaction to which the authority or the county is a party shall be exempt from any tax levied pursuant to Article 4 of Chapter 12 (commencing with Section 40-12-220) of Title 40, Code of Alabama 1975, or any tax levied in substitution therefor.

(e) Any water system leased or subleased to, or operated or managed by, the authority or county, whether the lease or sublease is by the authority or any private part, including without limitation, corporations or partnerships, shall be exempt from all state, county, and other taxes, including without limitation, ad valorem taxes, regardless of the entity that shall hold the legal title to the system or facility or any part thereof, or any remainder or reversionary interest herein.

(f) Upon mutual consent of the parties, the county may acquire by lease or sublease any property comprising all or any part of a water system, from the authority or from any vendee, lessee, or sublessee of the authority, or may manage or operate the same, having all respective rights of the authority.

Section 8. (a) As security for payment of the principal of and interest on bonds or obligations assumed by it, the authority may enter into any contract binding itself for the proper application of the proceeds of bonds and other funds, for any of the following purposes:

(1) The continued operation and maintenance of any water system owned by it, or any part or parts thereof.

(2) The imposition and collection of reasonable rates for, and the promulgation of reasonable regulations respecting any service furnished from any system or facility.

(3) The disposition and application of its gross revenues or any part thereof.

(4) Any other act or series of acts necessary for the protection of the bonds and other obligations being secured and the assurance that the revenues from the system or facility shall be sufficient to operate and maintain the system or facility, pay the principal of and interest on any bonds payable from the revenues, and maintain sufficient reserves for the protection of the bonds, the efficient operation of the system or facility, and the making of replacements and capital improvements.

(b) Any contract pursuant to this section may be set forth in any resolution of the board authorizing the assumption of obligations or in any mortgage, deed of trust, or trust indenture made by the authority under this act.

Section 9. Rates, fees, and charges for water service rendered by the authority from any of its systems shall be fixed and periodically revised so as to provide at all times funds sufficient to:

(1) Pay the cost of operating, maintaining, repairing, replacing, extending, and improving the systems from which services are rendered.

(2) Pay, upon becoming due and payable, the principal of and the interest on all bonds and obligations assumed by the authority that are payable out of the revenues derived from operation of those systems and facilities and revenues from any tax sources and fees.

(3) Create and maintain reserves for the foregoing purposes as may be provided in any mortgage, deed of trust, or trust indenture executed by the authority under this act or in any resolutions of the board authorizing the assumption of any obligation of the acquisition of any system.

(4) Make annual payments, if any, that the authority has contracted to make, to the United States of America or an agency or instrumentality thereof, the state, municipalities, counties, departments, authorities, agencies, political subdivisions of the state, or any public corporation organized under the laws of the state.

Section 10. For the purpose of securing water service, or aiding or cooperating with the authority in the planning, development, undertaking, construction, extension, improvement, operation, or protection of those systems any county, municipality, or other political subdivision, or public corporation, agency, or instrumentality of this state may, upon such terms and with or without consideration, as it may determine:

(1) Appropriate, lend, or donate money to or perform services for the benefit of the authority.

(2) Donate, sell, convey, transfer, lease, or grant to the authority, without the necessity of authorization at any election of qualified voters, any property of any kind, including, without limitation, any water system, or any interest thereof, or any franchise.

(3) Do any and all things, not otherwise prohibited by law, whether or not specifically authorized in this section, that are necessary or convenient to aid and cooperate with the authority in the planning, undertaking, construction, or operation of water systems.

Section 11. The authority may use the rights-of-way of all public roads in the state after securing the written approval of the state or its agencies or departments or the county commission of any county; and subject only to the necessity of obtaining the municipal consent required by Section 220 of the Constitution of Alabama of 1901. Nothing in this section shall be construed to exempt the authority from the requirements of Section 23-1-4, Code of Alabama 1975. The authority shall restore at its expense all roads, highways, or public rights-of-way in which it may have made excavations or done other work in laying pipes or performing any of its other corporate functions.

Section 12. (a) The furnishing of water services by the authority is declared to be a governmental function.

(b) The authority shall not be liable for any tort, whether negligent or wilful, committed by any director, agent, servant, or employee of the authority in the furnishing of water services or in the construction, maintenance, or operation of any water facility.

Section 13. (a) The authority, the property and income of the authority, the income from its bonds, conveyances by or to the authority, leases, mortgages, and deeds of trust by or to the authority, shall be exempt from all taxation in the State of Alabama.

(b) The authority shall not be obligated to pay or allow any fees, taxes, or costs to the judge of probate of any county in respect of its incorporation, the amendment of its certificate of incorporation, or the recording of any document.

(c) No license or excise tax may be imposed on the authority for the privilege of engaging in any of the activities authorized by this act.

Section 14. The authority now or hereafter organized under this act is exempted from the laws of the State of Alabama governing usury and prescribing or limiting interest rates, including, without limitation, Chapter 8 (commencing with Section 8-8-1) of Title 8 of the Code of Alabama 1975.

Section 15. At any time when no bonds or obligations previously assumed by the authority are outstanding, the board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the authority shall be dissolved. Upon the filing for record of a

certified copy of the resolution in the office of the judge of probate of the county, the authority shall thereupon stand dissolved and, in the event it owned any property at the time of its dissolution, the title to all its properties shall pass to and be divided and apportioned on a pro rata basis among Franklin County and any other county or counties in which any part of the service area may be located, all in the manner and to the extent provided in the authority's certificate of incorporation, as amended. In the absence of a contrary provision in the certificate of incorporation, as amended, title to real estate and tangible personal property, other than cash, shall vest in the county in which the real estate or tangible personal property is located and the title to cash on hand and in banks, accounts receivable, choses in action, and other intangible property, other than intangible interest in land, shall vest on a pro rata basis of gross revenues in all of the counties in which any part of the service area lies. Each such county shall have title to the cash and intangible items as a tenant in common. The interest of each tenant in common in those items shall be a percentage equal to the gross revenues derived by the authority during its complete preceding fiscal year from service rendered in that part of its service area within that county divided by the gross revenues derived by the authority during the same period from services rendered or otherwise in its entire service area.

Section 16. In all cases in which there is an attempt to incorporate a public corporation under this act, but the attempted incorporation is invalid because of some irregularity in the procedure followed, the attempted incorporation is validated ab initio, notwithstanding any irregularity in the procedure for incorporation of the corporation, including, but not limited to:

(1) The failure of the judge of probate in whose office the certificate of incorporation was filed to examine the certificate or to enter an appropriate order with respect to the certificate.

(2) The inclusion in the certificate of any matter not authorized to be included therein or contrary to the statutory requirements with respect to the corporation.

Section 17. Except as otherwise expressly provided in this act, no proceeding, notice, or approval shall be required for the incorporation of the authority or the amendment of its certificate of incorporation, the acquisition of any property or water system, or the issuance of any mortgage, deed of trust, or trust indenture.

Section 18. The authority shall be audited similar to and in accordance with any audit required to be performed upon the Franklin County Commission and the operations of the county.

Section 19. Upon approval of this act by the Governor and the filing of the certificate of incorporation by the authority, the

Franklin County Water Coordinating and Fire Prevention Authority created pursuant to Amendment 518 of the Constitution of Alabama of 1901 and Act No. 88-914, S. 222 (1988 Acts, p. 492), and the Franklin County Water and Fire Protection Authority, incorporated pursuant to Title 11, Code of Alabama 1975, shall be dissolved. Also, at that time the assets and liabilities, including but not limited to outstanding bonded indebtedness, of the Franklin County Water Coordinating and Fire Prevention Authority and the Franklin County Water and Fire Protection Authority shall automatically be transferred to the Franklin County Water Service Authority created by this act.

Section 20. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 21. All laws or parts of laws which conflict with this act, including, but not limited to, Act No. 88-914, S. 222 (1988 Acts, p. 492), are repealed.

Section 22. This act shall become effective immediately upon its passage and approval by the Governor.

Approved May 10, 1993

Time: 3:44 P.M.

Act No. 93-377

H. 584 – Reps. Drake, Bowling

AN ACT

Relating to Cullman County; providing further for the compensation of poll workers.

Be It Enacted by the Legislature of Alabama:

Section 1. In Cullman County, election officials who work at polling places shall receive an additional expense allowance in an amount as will, together with any amount paid by the state pursuant to Section 17-6-13, Code of Alabama 1975, make the total amount paid to each inspector sixty-five dollars (\$65) for each day the inspector works at the polls; and make the total amount paid to each clerk fifty-five dollars (\$55) for each day the clerk works at the polls. The additional expense allowance provided for in this act shall be paid from the county general fund.

Section 2. Election officials who work at polling places shall receive an expense allowance of ten dollars (\$10) per day while they attend courses on the operation of voting machines.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:45 P.M.

Act No. 93-378

H. 602 – Rep. Powell

AN ACT

Relating to Autauga County; providing further for the compensation of poll workers.

Be It Enacted by the Legislature of Alabama:

Section 1. In Autauga County, election officials who work at polling places shall receive an additional expense allowance in an amount as will, together with any amount paid by the state pursuant to Section 17-6-13, Code of Alabama 1975, make the total amount paid to each inspector fifty dollars (\$50) for each day the inspector works at the polls; and make the total amount paid to each clerk forty-four dollars (\$44) for each day the clerk works at the polls. The additional expense allowance provided for in this act shall be paid from the county general fund.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:46 P.M.

Act No. 93-379

H. 373 – Rep. Hall

AN ACT

Relating to Jackson County; requiring certain county-owned motor vehicles to be marked in a certain manner for identification purposes and to provide penalties for violations of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. No later than 90 days immediately following the effective date of this act, all motor vehicles owned by Jackson

County shall be marked on the sides with decals or stencils identifying the vehicles as belonging to the county, except for the motor vehicles used for investigatory purposes by the offices of the sheriff and the district attorney. The county identification marking shall be designed to be at least the size of the decals currently being used on the motor vehicles assigned to the county Public Works Department and shall be prominently and permanently affixed to each side of each vehicle. The words "Jackson County" and the name of the department to which the motor vehicle is assigned shall be on the decal or stencil.

Section 2. The Jackson County Commission shall implement this act and shall make all decisions on the format or pattern for the decals or stencils according to the requirements of Section 1 of this act.

Section 3. The use by any elected official or employee of Jackson County of a county-owned vehicle that is not properly marked for identification as provided by this act is a violation of Section 36-25-5, Code of Alabama 1975.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:47 P.M.

Act No. 93-380

H. 656 – Rep. Richardson

AN ACT

Relating to Jackson County; to amend Section 6 of Act No. 192, H. 101, Regular Session 1989 (Acts 1989, p. 234) relating to the system of indexing documents affecting the title to property and other documents recorded in the office of the Judge of Probate, to provide that the special indexing fee shall be for the use of the Judge of Probate.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 192, H. 101, Regular Session 1989 (Acts 1989, p. 234), is amended to read as follows:

"Section 6. Immediately upon passage, this act becomes applicable to Jackson County. A special indexing fee of four dollars (\$4) shall be paid to the county and collected by the Judge of Probate, with respect to each real property instrument and each

personal property instrument that may be filed for record in the office of the Judge of Probate and for the recording of other instruments and documents in the probate office at the discretion of the Judge of Probate of the county. On and after that date, no instrument shall be received for record in the office of the Judge of Probate unless the special indexing fee of four dollars (\$4) is paid. The special indexing fee shall be in addition to all other fees, taxes, and other charges required by law to be paid upon the filing for record of any real property instrument or personal property instrument and for the recording of other instruments and documents in the probate office in the discretion of the Judge of Probate of the county. The special index fee collected by the Judge of Probate and paid to the county, shall be deposited by the Judge of Probate to any bank in Jackson County and spent by the Judge of Probate at his or her discretion for the improvement of the office of the Judge of Probate of Jackson County. The fees collected under the provisions of this act shall be controlled by the sole discretion of the Judge of Probate and shall be audited by the Examiners of Public Accounts. The balance of index fees on deposit with the Jackson County Commission on the effective date of this act shall be transferred to the index fee account of the Judge of Probate immediately after the passage of this act."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:48 P.M.

Act No. 93-381

H. 820 – Rep. Flowers

AN ACT

Relating to Pike County; providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner; providing for the election, power, duties, term of office, and compensation of the official; abolishing the offices of tax assessor and tax collector; and providing for a referendum on the act.

Be It Enacted by the Legislature of Alabama:

Section 1. At the expiration of the terms of office, or if a vacancy occurs in either the office of tax assessor or the office of tax collector of Pike County, then immediately upon the occurrence of a

vacancy there shall be established the Office of County Revenue Commissioner in Pike County. If the office is established upon the occurrence of a vacancy in either the office of tax assessor or tax collector, then the tax assessor or tax collector, as the case may be, remaining in office shall be the county revenue commissioner for the remainder of the term for which he or she was elected. A revenue commissioner shall be elected at an election called for that purpose and every six years thereafter. He or she shall serve for a term of office of six years.

Section 2. The county revenue commissioner shall do and perform all acts, duties, and functions required by law performed either by the tax assessor or by the tax collector of the county relative to the assessment of property for ad valorem taxation, the collection of the taxes, the keeping of records, and the making of reports concerning assessments for and the collection of taxes.

Section 3. Subject to the approval of the county commission, the county revenue commissioner shall within the policies and procedures of the county commission appoint and fix the duties of a sufficient number of deputies, clerks, and assistants to perform properly the duties of his or her office. The acts of the deputies shall have the same force and legal effect as if performed by the county revenue commissioner.

Section 4. Before entering upon the duties of his or her office, the county revenue commissioner shall take the oath of office prescribed by Article XVI of the Constitution of Alabama, and execute a bond in a sum fixed by the county commission, giving as security thereon a bonding company authorized to do business in Alabama. The bond shall be conditioned, as other official bonds are conditioned, and shall be approved by and filed with the judge of probate. The cost of the bond shall be paid out of the general funds of the county on a warrant of the county commission and shall be a preferred claim against the county.

Section 5. The county commission shall provide the necessary offices for the county revenue commissioner and shall provide all stationery, equipment, and office supplies, not otherwise furnished by law, needed for the efficient performance of the duties of the office.

Section 6. The county revenue commissioner shall collect and pay into the general fund of the county all fees, percentages, commissions, and other allowances which the tax assessor and the tax collector are now or hereafter by law authorized or directed to charge or collect for the performance of a duty imposed by law on the officers and transferred to and imposed on the county revenue commissioner. As compensation for performance of the duties of

his or her office, the county revenue commissioner shall receive a minimum salary as provided by Section 40-6A-2 of the Code of Alabama 1975, payable in the manner prescribed by the county commissioner, out of the county general fund with the exact amount to be set by resolution of the county commission prior to the county revenue commissioner taking office.

Section 7. The offices of tax assessor and tax collector of Pike County are abolished effective on the last day of the term to which they are elected, or on an earlier date, as is prescribed in Section 1 of this act, if a vacancy occurs in either the office of tax assessor or tax collector.

Section 8. It is the purpose of this act to conserve revenue and promote the public convenience in Pike County by consolidating the offices of tax assessor and tax collector into one county office.

Section 9. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Pike County who vote at a referendum election held for this purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the same day as the next special, general, or primary election held in Pike County next following final passage of this act. Notice of the election shall be given by the Judge of Probate of Pike County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Shall Act No. ____ of the 1993 Regular Session of the Legislature, which provides for the abolition of the offices of Tax Assessor and Tax Collector of Pike County and the consolidation of the duties of those offices into the one office to be known as the County Revenue Commissioner of Pike County, be approved? Yes () No ()."

If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, the act shall have no further effect. The Judge of Probate of Pike County shall certify the results of the election to the Secretary of State immediately after the returns have been certified.

Section 10. If the office of tax assessor or tax collector should become vacant between the expiration of the term of office of either the tax assessor or tax collector and before the time of ratification of this act by the electors of Pike County, this act shall become effective immediately and the election shall be called within 45 days of the vacancy.

Section 11. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:49 P.M.

Act No. 93-382

H. 821 - Rep. Flowers

AN ACT

Relating to Pike County; providing for the election and compensation of the Chair of the Pike County Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. In Pike County, the Chair of the Pike County Commission shall be elected from the membership of the commission at the first meeting of the commission after the enactment of this act. The chair shall serve until the first meeting of the commission in November of 1993. Thereafter, annually in the month of November, the Pike County Commission shall elect a chair to serve for one year. Nothing in this act shall be construed to prevent a chair of the commission from seeking consecutive terms.

Section 2. The person elected as chair shall receive an annual salary of five thousand dollars (\$5,000) payable in the manner prescribed by the county commission. The salary received by the chair shall be in addition to the salary for commissioner as compensation for serving as Chair of the Pike County Commission.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:51 P.M.

Act No. 93-383

H. 852 – Rep. Fuller

AN ACT

Relating to Chambers County; providing further for the compensation of the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the effective date of this act, the sheriff of Chambers County shall receive a salary of fifty thousand dollars (\$50,000) per annum. The salary shall be in lieu of any and all other salary, expense allowance, or compensation heretofore provided by law and shall be payable in equal monthly installments from the county general fund.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective October 1, 1993.

Approved May 10, 1993

Time: 3:51 P.M.

Act No. 93-384

H. 822 – Rep. Holladay

AN ACT

To amend Section 3 and 4 of Act No. 92-248, H. 552, 1992 Regular Session (Acts 1992, Act No. 92-248, p.602), to provide that candidates for the Board of Education for the City of Pell City, Alabama, shall have earned a high school diploma or its equivalent and that the initial election of board members be staggered.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 3 of Act No. 92-248, H. 552, 1992 Regular Session is amended to read as follows:

“Section 3. Candidates for each place on the city board of education shall be at least 21 years of age, residents of the school board district which they seek to represent on the board for at least 90 consecutive days immediately preceding the deadline date for qualifying as a candidate, and shall not have a record of conviction for any crime involving moral turpitude. At the time of qualifying, a candidate for a place on the board shall pay the qualifying fee as prescribed by the City Council of Pell City, Alabama, not later than six months prior to the qualifying deadline as provided

by law and the candidate shall have earned a high school diploma or its equivalent. Provided, however, that the qualification fee for the first elections to be held for the board created by this act shall be twenty-five dollars (\$25) for each candidate.”

Section 2. Section 4 of Act No. 92-248, H. 552, 1992 Regular Session is amended to read as follows:

“Section 4. (a) The elected school board members shall serve staggered four year terms and the initial election shall be held no later than November 2, 1993. School board members elected from Districts 1, 3, and 5, shall serve until the November 1996 general election at which time they shall stand for election to a full four year term, and school board members from Districts 2 and 4 shall serve until the November 1994 general election at which time they shall stand for election for a full four year term.

“(b) Term of office for the initially elected school board members and each board member elected thereafter shall commence at noon on the first Tuesday following the certification of their election by the City Clerk and each member shall serve from the date on which they were sworn into office until the swearing in of their successors.

“(c) At its initial meeting, by majority vote, the board shall elect from its membership a chairperson. Thereafter, every two years immediately following the swearing in of elected board members, the board shall so elect its chairperson.”

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:52 P.M.

Act No. 93-385

H. 823 – Rep. Holladay

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Argo in St. Clair County.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Argo in St. Clair County are altered, rearranged, and extended to include within the corporate limits of the

municipality, in addition to the lands now included, all of the following territory:

PARCEL I

Begin at a point which is the SW corner of the NE 1/4 of the SE 1/4 of Section 15, Township 16 South, Range 1 East, St. Clair County, Alabama; thence in a Northerly direction along the West line of said NE 1/4 of SE 1/4 and SE 1/4 of NE 1/4 and NE 1/4 of NE 1/4 to a point on the North line of Section 15, said point being the NW corner of NE 1/4 of NE 1/4 of Section 15, Township 16 South, Range 1 East and the SE corner of the SW 1/4 OF SE 1/4 of Section 10, Township 16 South, Range 1 East; thence in a Westerly direction along the South line of the SW 1/4 of SE 1/4 of Section 10 to a point at the SW corner of SW 1/4 of SE 1/4, said point also being on line which divides Jefferson County and St. Clair County; thence North along the line dividing St. Clair and Jefferson Counties, and the West line of the East half of Section 10, and the East half of Section 3, Township 16 South, Range 1 East and the East half of Section 34, Township 15 South, Range 1 East to the NW corner of the NW 1/4 of NE 1/4 of Section 34 to a point on the existing Argo city limits line; thence follow the existing Argo city limits line in a Southerly direction to a point at the Northeast corner of the SE 1/4 of SE 1/4 of Section 11, Township 16 South, Range 1 East; thence in a Westerly direction along the North line of the SE 1/4 of the SE 1/4 to the NW corner of said 1/4-1/4 Section; thence Southerly along the West line of said SE 1/4 of SE 1/4 to the SW corner; thence West along the North line of the NW 1/4 of NE 1/4 of Section 14, Township 16 South, Range 1 East to the Northwest corner of the NW 1/4 of NE 1/4; thence Southerly along the West line of NW 1/4 of NE 1/4 and SW 1/4 of NE 1/4 to the Northwest corner of the NW 1/4 of SE 1/4 of Section 14; thence West along the North line of the NE 1/4 of SW 1/4 to the Northwest corner; thence Southerly along the West Line of the NE 1/4 of SW 1/4 to the Southwest corner of NE 1/4 of SW 1/4; thence West along the South line of the NW 1/4 of the SW 1/4 of Section 14 and the NE 1/4 of SE 1/4 of Section 15 to the point of beginning.

PARCEL II

Begin at the Southwest corner of the SW 1/4 of NE 1/4 of Section 22, Township 15 South, Range 1 East, said point being on the line dividing Jefferson and St. Clair Counties, and the existing city limits of Argo; thence North along the West line of the SW 1/4 of NE 1/4 and the NW 1/4 of NE 1/4 to the Northwest corner of the NW 1/4 of NE 1/4; thence West along the North line of the NW 1/4 to the Southwest corner of Section 15; thence North along the West line of Section 15 to the Northwest corner thereof; thence West along the South line of the SE 1/4 of Section 9 to the Southwest corner; thence

North along the West line of the SE 1/4 to the Northwest corner; thence East along the North line of the SE 1/4 of Section 9, the South half of Section 10 and the South half of Section 11 to the Northeast corner of the SE 1/4; thence Southerly along the East line of the SE 1/4 to the Northwest corner of the SW 1/4 of SW 1/4 of Section 12; thence Easterly along the North line of the SW 1/4 of Section 12 to a point on the West line of Highway 59; thence in a Southwesterly direction along the Western boundary of Highway 59 to a point in the NE 1/4 of SE 1/4 of Section 14 where Highway 59 intersects the Eastern Right of Way of Southern Railroad; thence in a Southwesterly direction to a point on the South line of the SW 1/4 of SE 1/4 and the intersection of the existing Argo limits; thence along the existing Argo city limits to the point of beginning.

PARCEL III

Begin at the Northeast corner of Section 25, Township 15 South, Range 1 East; thence in a Westerly direction along the North line of said section to the Northwest corner of the Northeast quarter; thence in a Southerly direction along the West line of the Northeast quarter to the Southwest corner of the Northeast quarter; thence in a Westerly direction along the North line of the Southeast quarter to the present Argo city limits; thence in a Southwesterly direction along the present Argo city limits to the Southwest corner of Section 25; thence in a Easterly direction along the South line of the Southwest quarter of Section 25 to the existing Argo city limits at a point at the Northwest corner of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 36; thence in a Southerly direction to a point at the Southwest corner of the Northeast quarter of the Northeast quarter of the Northwest quarter; thence in a Westerly direction to the Northwest corner of the Southwest quarter of the Northeast quarter of the Northwest quarter; thence along the West line of the Northeast quarter of the Northwest quarter and the Southeast quarter of the Northwest quarter to a point on the South line of the Southeast of the Northwest; thence along the South line of the Southeast of the Northwest in a Easterly direction to the Southwest corner of the Southeast quarter of the Southeast quarter of the Northwest quarter; thence in a Northerly direction along the West line of the Southeast quarter of the Southeast quarter of the Northwest quarter and the Northeast quarter of the Southeast quarter of the Northwest quarter to the Northwest corner; thence in a Westerly direction along the North line of the Northeast quarter of the Southeast quarter of the Northwest quarter and the South one-half of the Northeast quarter to the Margaret city limits and the Northwest corner of the Northeast quarter of the Southeast quarter of the Northeast quarter; thence North along the center line of the Northeast quarter of the Northeast quarter to the North line of said 1/4-1/4; thence in a Easterly direction along the North line to the

Northeast corner of Section 36; thence in a Northerly direction along the East section line of Section 25 to the Northeast corner of Section 25 and the point of beginning.

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, a map showing what territory is proposed to be annexed to the municipality of Argo is on file in the office of the Judge of Probate in St. Clair County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:53 P.M.

Act No. 93-386

H. 828 – Rep. Beasley

AN ACT

Relating to Henry County; providing for additional court costs in all criminal and civil cases other than small claims court, with the proceeds to be placed in a fund to be used to build a new county jail.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in Henry County.

Section 2. In addition to any and all court costs now or hereafter authorized to be collected, there shall be assessed an additional court cost of ten dollars (\$10) in all civil cases filed in the circuit court and in the district court of the county excluding cases filed in small claims court. There shall also be an additional court cost of ten dollars (\$10) assessed in all criminal and quasi-criminal cases brought in the district, or circuit courts of Henry County.

Section 3. Additional court costs assessed pursuant to this act shall be collected by the court clerks and distributed to the county for deposit in a special county fund designated as the Jail Fund. All monies paid into the Jail Fund shall be expended by the county exclusively for the payment of the cost of construction, financing, planning, equipping and operating a new county jail.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:54 P.M.

Act No. 93-387

H. 834 – Rep. Anderson

AN ACT

Relating to Morgan County; providing further for the compensation of poll workers.

Be It Enacted by the Legislature of Alabama:

Section 1. In Morgan County, election officials who work at polling places shall receive an additional expense allowance in an amount as will, together with any amount paid by the state pursuant to Section 17-6-13, Code of Alabama 1975, make the total amount paid to each inspector seventy-five dollars (\$75) for each day the inspector works at the polls; and make the total amount paid to each clerk sixty dollars (\$60) for each day the clerk works at the polls. The additional expense allowance provided for in this act shall be paid from the county general fund.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:55 P.M.

Act No. 93-388

H. 8 – Rep. Collins

AN ACT

Providing for the establishment of a merit system for the county law enforcement officers, radio operators, jailers and law enforcement support personnel in Fayette County; and providing for a merit system board governing the removal and official conduct of such county employees.

Be It Enacted by the Legislature of Alabama:

SECTION 1. This act shall apply only in Fayette County, Alabama.

SECTION 2. As used in this act, unless the context clearly requires a different meaning:

(a) “county” means Fayette County;

(b) “employee” means any law enforcement officer, radio operator, jailer and law enforcement support personnel, not excepted

by Section 3 of this act, who is employed in the service of Fayette County or any board, agency or instrumentality thereof;

(c) "merit employee" means any such employee who shall have completed one year of probationary employment;

(d) "board" means the merit system board created by this act;

(e) "appointment authority" means in the case of employees in the offices of the elected officials of the county, such elected officials, and means, in the case of all other county or municipal employees, the county governing body, or the board or other agency supervising their work.

SECTION 3. The provisions of this act shall apply to all law enforcement officials and employees in the service of the county or any board, agency or instrumentality thereof except:

(a) persons holding elective offices;

(b) member of appointive boards, commissions and committees;

(c) persons whose employment is subject to the approval of the United States government or any agency thereof.

SECTION 4. All employees to whom the provisions of this act apply shall be governed by merit system rules and regulations governing dismissals, suspensions, lay-offs and terminations prescribed in this act, administered by the merit system board, the creation of which is provided for in Section 5 hereof. Presently employed persons shall remain in their respective employments during good behavior; but nothing herein shall be construed to prevent or preclude the removal of such an employee for cause in the manner hereinafter provided and such employees shall be subject to all the provisions of this act.

SECTION 5. There is hereby created the merit system board of Fayette County, Alabama, which shall become effective upon passage of this act and shall be composed of three members:

(a) One member shall be appointed by the Fayette County Commission.

(b) One member shall be appointed by the Fayette County Deputy Sheriff's Association.

(c) One member shall be appointed by the Probate Judge of Fayette County, Alabama.

Original appointees shall serve for terms of one, two and four years, assignment of terms to be determined by drawing lots. Thereafter, all appointees shall serve for a period of four years. No person shall be appointed to the board unless he or she is a resident

and qualified elector of Fayette County and over the age of 21 years.

Members of the board shall take the constitutional oath of office, which shall be filed in the office of the probate judge. Vacancies on the board shall be filled for the unexpired term of the vacant position in the same manner as original appointments. The members of the board shall elect a chairman and secretary from among their members. Any member of the board who becomes a candidate for, or is elected or appointed to another public office of profit must vacate his office as a member of the board. No board member shall be an elected official, appointed employee or employee of the county or any municipal government.

SECTION 6. Each member of the board shall be paid \$10.00 per month.

SECTION 7. The board shall fix the times for its regular meetings and it may hold special, adjourned or called meetings at any time. A majority of the members of the board shall constitute a quorum for the transaction of business. All meetings of the board shall be held in the Fayette County Court House. The board may prescribe rules governing its procedure provided such rules are not inconsistent with the provisions of this act.

SECTION 8. The board shall keep minutes of its meetings and a record of all business transacted by it. Its records, except those which the rules of the board require to be held confidential for reasons of public policy, shall be open for inspection by any resident of the county at all reasonable times.

SECTION 9. The Deputy Sheriff's Association of Fayette County shall provide the board with materials and secretarial help when needed during meetings and shall assign an area from time to time for the board meetings. It shall also provide filing cabinets and storage space for the board.

SECTION 10. The compensation to each board member and all other expenses of the board arising under the provisions of this act shall be paid from funds of the county on the order of the board in the same manner as other county salaries and expenses are paid. At the end of the county's fiscal year, the board shall set the total sum which it has expended for the purposes of this act between the county subject to this act, charging each with such part of the total sum so expended as the total number of officers or employees of such county who were subject to the provisions of this act on the last day of the county's fiscal year bears to the total number of officers or employees of the Sheriff's Department subject to the provisions of this act on such last day of the county's fiscal year. The sum so arrived at by the county as the proper contribution of each

shall be certified to the chairman of the board and when approved by him in writing, shall become a liability of the Fayette County Deputy Sheriff's Association and shall be paid immediately to the county. In the event any contribution levied hereunder shall not be paid within 30 days after approval by the board chairman, the county may bring suit therefor in any court of competent jurisdiction and any judgment so recovered shall be satisfied from any funds in such treasury or funds against which such contribution levy lies. In the event the salaries of employees of the county are paid in part from different treasuries or different funds in the same treasury, the liability for this contribution shall accrue against such various treasuries or funds in the same proportion as the salaries of the employees of the county are paid therefrom.

SECTION 11. All appointments of employees to which this act applies, other than temporary appointments, shall be probationary for one year from the date of appointment. A probationary employee may be discharged by the sheriff or a governmental entity at their pleasure at any time before the expiration of one year from his appointment. After he shall have served for one year in the position to which he was appointed or employed, such employee shall become a merit employee.

SECTION 12. Whenever a new sheriff is elected or appointed, he may appoint any person as his chief deputy sheriff, provided such person meets the minimum standards for law enforcement officers as prescribed by the general laws of the state. The person holding the position of chief deputy sheriff immediately preceding such appointment of a chief deputy may be reduced in rank.

SECTION 13. The appointing authority shall have authority to suspend, without pay, a merit employee for any personal misconduct, or fact, affecting or concerning his fitness or ability to perform his duties in the public interest. In the event a merit employee is suspended without pay for more than 10 days in any one year, he shall be entitled to a public hearing by the board upon written demand filed within five days from the date of the order of suspension. If, after hearing, the board determines that the action of the appointing authority was not with good cause, the suspension shall be revoked.

SECTION 14. (a) The governing body of the county, or the head of any department or office can remove, discharge or demote any merit employee who is directly under such governing body, or department head, provided that within five days a report in writing of such action is made to the board, giving the reason for such removal, discharge or demotion. The employee shall have ten days from the time of his notification of his removal, discharge or demotion in which to appeal to the board. If such appeal is filed, the board shall thereupon

order the charges or complaint to be filed forthwith in writing, if not already filed, and shall hold a hearing de novo on such charges. No merit employee shall be removed, discharged or demoted except for some personal misconduct, or fact, rendering his further tenure harmful to the public interest, or for some cause affecting or concerning his fitness or ability; and if such removal, discharge or demotion is appealed to the board, then the same will become final only upon affirmation by the board after a hearing upon written charges or complaint has been had and after an opportunity has been given such employee to face his accusers and be heard in his own defense. Pending a hearing on said appeal, the affected employee may be suspended; and after such hearing the board may order said employee reinstated, demoted, removed, discharged, or suspended, or take such other disciplinary action as in their judgment is warranted by the evidence and under the law. In all cases, the decision of the board shall be reduced to writing and entered in the record of the case and shall include the board's findings of facts upon which its decision is based.

The board shall have the power to administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation, or proceeding within the purview of this act. The sheriff or some other law enforcement officer of the county shall serve all processes of the board. In case a person refuses to obey such subpoena, the board may invoke the aid of the circuit court of Fayette County, Alabama, in order that the testimony or evidence be produced. Upon proper showing, such court shall issue a subpoena or order requiring the person to appear before the board and produce all evidence and give all testimony relating to the matter in issue. A person who fails to obey such subpoena or order may be punished by the court as for contempt. The fees of witnesses for attendance and travel shall be the same as fees **for witnesses in the circuit court of Fayette County, Alabama, which fees shall be paid from the treasury of the county in a case involving an employee of the sheriff's department.**

(b) In all proceedings before the board, the county attorney of Fayette County or the attorney for the appointing authority that is removing, discharging, demoting or firing the said employee shall appear before the board and prosecute all charges instituted by the sheriff or the said governmental entity when requested or directed to do so and give any legal advice and legal assistance to the board as may be requested of it.

(c) Any person aggrieved by a decision of the board may appeal such decision to the circuit court of Fayette County within 30 days from the rendition of such decision by the board. Review by the circuit court shall be without a jury and be confined to the

record, and a determination of the questions of law presented. The board's findings of fact shall be final and conclusive.

SECTION 15. No employee shall make, solicit or receive any assessment, donation, subscription or contribution for any political purpose whatsoever, or be a member of a committee or an officer of a political party, or take any part in its management or affairs except to exercise his right as a citizen to express his opinion and cast his vote; no employee shall assist any candidate for nomination or election to public office, or make any public statement in support of or against any such candidate, or participate in any general or primary election; and no employee shall receive any appointment or advancement as a reward for his support of a candidate for office of a political party; nor shall he be dismissed, suspended or reduced in rank or pay as punishment for his failure to support any candidate for political office.

SECTION 16. Any merit employee who willfully violates any of the provisions of this act, or any rule or regulation issued in pursuance hereof, shall be dismissed from service under the system and shall not be appointed or reemployed for two years.

SECTION 17. All employees to which this act applies must be covered by the merit system by one year from the effective date of this act.

SECTION 18. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION 19. All laws or parts of laws which conflict with this act are hereby repealed.

SECTION 20. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:56 P.M.

Act No. 93-389

H. 38 – Rep. Cullins

AN ACT

Relating to Tallapoosa County; amending Section 1 of Act No. 92-493, H. 708 of the 1992 Regular Session, relating to the boundary lines and corporate limits of the Town of New Site in Tallapoosa County, to correct the range description.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 92-493, H. 708, 1992 Regular Session, is amended to read as follows:

“Section 1. The boundary lines and corporate limits of the Town of New Site in Tallapoosa County are altered, rearranged, and extended to include within the corporate limits of the municipality, in addition to the lands now included, all of the following territory:

“The North half of Section 5 and Section 6, Township 23N, Range 23E, and the North half of Section 1, Township 23N, Range 22E.”

Section 2. In accordance with Section 11-42-6(b) of the Code of Alabama 1975, as amended, a map showing what territory is proposed to be annexed to the Town of New Site is on file in the office of the Judge of Probate in Tallapoosa County, Alabama, and the map is open to the inspection of the public.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:57 P.M.

Act No. 93-390

H. 689 – Rep. Richardson

AN ACT

Relating to Jackson County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax for a new county jail; prescribing penalties and fixing punishment for violation of this act; providing for an advisory referendum; and providing for a termination date.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall only apply to Jackson County.

Section 2. As used in this act, state sales and use tax means the tax imposed by the state sales and use tax statutes, including, but not limited to, Sections 40-23-1, 40-23-2, 40-23-3, 40-23-4, 40-23-60, 40-23-61, 40-23-62, and 40-23-63 of the Code of Alabama 1975.

Section 3. The County Commission of Jackson County may, upon a four-fifths vote of the members, levy, in addition to all

other taxes, including, but not limited to, municipal gross receipts license taxes, a privilege license tax in an amount up to one cent against gross sales or gross receipts.

The gross receipts of any business and the gross proceeds of all sales which are presently exempt under the state sales and use tax statutes are exempt from the tax authorized by this act.

Section 4. The tax levied by this act shall be collected by the State Department of Revenue at the same time and in the same manner as state sales and use taxes are collected. On or prior to the date the tax is due, each person subject to the tax shall file with the department a report in the form prescribed by the department. The report shall set forth, with respect to all sales and business transactions that are required to be used as a measure of the tax levied, a correct statement of the gross proceeds of all the sales and gross receipts of all business transactions. The report shall also include items of information pertinent to the tax as the department may require. Any person subject to the tax levied by this act may defer reporting credit sales until after their collection, and in the event the person defers reporting them, the person shall thereafter include in each monthly report all credit collections made during the preceding month, and shall pay the tax due at the time of filing the report. All reports filed with the department under this section shall be available for inspection by the county commission, or its designee.

Section 5. Each person engaging or continuing in a business subject to the tax levied by this act, shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer because of the sale or admission. It shall be unlawful for any person subject to the tax to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount required to be added to the sale or admission price. It shall be unlawful for any person subject to the tax levied by this act to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption or refund of any portion of the tax.

Section 6. The tax levied by this act shall constitute a debt due Jackson County. The tax, together with any interest and penalties, shall constitute and be secured by a lien upon the property of any person from whom the tax is due or who is required to collect the tax. The department shall collect the tax, enforce this act, and have and exercise all rights and remedies that the state or the department has for collection of the state sales and use tax. The department may employ special counsel as is necessary to enforce collection of the tax levied by this act and to enforce this

act. The department shall pay the special counsel any fees it deems necessary and proper from the proceeds of the tax collected by it for Jackson County.

Section 7. All provisions of the state sales and use tax statutes with respect to the payment, assessment, and collection of the state sales and use tax, making of reports, keeping and preserving records, penalties for failure to pay the tax, promulgating rules and regulations with respect to the state sales and use tax, and the administration and enforcement of the state sales and use tax statutes which are not inconsistent with this act shall apply to the tax levied under this act. The State Commissioner of Revenue and the department shall have and exercise the same powers, duties, and obligations with respect to the tax levied under this act that are imposed on the commissioner and department by the state sales and use tax statutes. All provisions of the state sales and use tax statutes that are made applicable by this act to the tax levied under this act, and to the administration and enforcement of this act, are incorporated by reference and made a part of this act as if fully set forth herein.

Section 8. The department shall charge Jackson County for collecting the tax levied under this act in an amount or percentage of total collections as may be agreed upon by the commissioner and the Jackson County Commission. The charge shall not exceed five percent of the total amount of the tax collected in the county. The charge may be deducted each month from the gross revenues from the tax before certification of the amount of the proceeds due Jackson County for that month. The Commissioner of Revenue shall pay into the State Treasury all amounts collected under this act, as the tax is received by the department on or before the first day of each successive month. The commissioner shall certify to the State Comptroller the amount collected and paid into the State Treasury for the benefit of Jackson County during the month immediately preceding the certification. The State Comptroller shall issue a warrant each month payable to the County Treasurer of Jackson County in an amount equal to the certified amount which shall be paid into the county general fund to be used to finance a new county jail. Any funds received in excess of five million dollars (\$5,000,000) shall be deposited into a special fund to the credit of the Jackson County Jail Maintenance Fund, which is hereby created. The monies in that fund shall be used exclusively for the maintenance and operation of a new county jail. Notwithstanding any provision of this act to the contrary, if there is any borrowing made or bonded indebtedness incurred pursuant to this act, any contract for the services of an attorney or legal counsel shall be subject to the competitive bid law. Any contract for legal services awarded without competitive bidding shall be void ab initio.

Section 9. At the next general, special, or primary election held in Jackson County after the effective date of this act, or at a special election called by the county commission, the electors of the county shall vote at an advisory referendum. On the ballots used at the election, the proposition to be voted on shall be stated substantially as follows:

“Do you favor the local law authorizing the county commission to levy a sales and use tax to be used to finance a new county jail?
Yes _____ No _____.”

The results of the referendum shall be certified by the judge of probate and forwarded to each member of the Jackson County Commission and the Jackson County Legislative Delegation.

Section 10. This act shall become effective on August 1, 1993, following its passage and approval by the Governor, or upon its otherwise becoming a law and shall terminate on July 31, 1996.

Approved May 10, 1993

Time: 3:58 P.M.

Act No. 93-391

H. 711 – Rep. Rich

AN ACT

Relating to the City of Guntersville in Marshall County; authorizing the City of Guntersville to establish, purchase, construct, maintain, lease and operate a cable television system and to furnish cable television to the residents of the city and to customers in the surrounding territory; prescribing its powers in that connection; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness in connection with the systems; providing for the payment of the bonds and other evidences of indebtedness and the rights of the bond holders; and exempting the service from the regulation and control of the Alabama Public Service Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be applicable only to the City of Guntersville in Marshall County.

Section 2. As used in this act, “municipal corporation” means the City of Guntersville in Marshall County. In addition to other powers, rights and authority granted to municipal corporations generally, the municipal corporation may:

(a) Acquire, purchase, construct, lease, operate, maintain, enlarge, and extend and improve a cable television system which may be defined, without limiting the generality, as a facility that

in whole or in part, receives directly, or indirectly, or over the air, and amplifies or otherwise modifies the signal transmitting programs broadcast by one or more television or radio stations, and distributes the signals by wire or cable to subscribing members of the public living in the municipal corporation or its surrounding territory who pay for such service.

Section 3. For the purposes of this act, the municipal corporation may exercise the right of eminent domain. The eminent domain proceedings shall be conducted in the manner now provided by law.

Section 4. (a) In payment for the purchase, lease, construction, acquisition, extension, or maintenance of the cable television system, the municipal corporation may issue its bonds in the manner provided by law.

(b) The municipal corporation, in order to secure the prompt and faithful payment of the principal and interest of all debts, bonds, or other evidences of indebtedness incurred or issued by it for the construction, acquisition, lease, extension or maintenance of a television cable system may execute a mortgage or deed of trust upon any or all of the system and all property used in the operation, including the franchise in whole or in part.

(c) The mortgage or deed of trust may contain terms, conditions, covenants, and warranties for the protection of the bond holders or securities issued by the municipal corporation cable television system, as determined and agreed upon from time to time by the governing body of the municipal corporation and persons, firms, or corporations owning the debts, bonds, or securities.

(d) The mortgages may provide that in the event of the foreclosure of the mortgage or deed of trust, that the purchaser at the foreclosure sale may acquire the right, privilege, and franchise of operating the system as may be sold or conveyed, and the purchaser or vendee may have the right, authority, and privilege to carry on and operate the system in the same manner, or on the same terms, and to the same extent as the municipal corporation is authorized to operate, with the exception of eminent domain authority, until the municipal corporation may redeem the system from the mortgage sale.

(e) The mortgage or deed of trust may provide:

(1) That during the ownership of the system by the municipal corporation, the control of the service of the system shall not be diminished or interfered with by the granting any other franchise for the operation of any other plant or system for similar purposes.

(2) That the rates and charges shall be established and maintained to sufficiently meet the cost of operation and maintenance.

(3) That the municipal corporation may pledge all of the receipts, earnings, and revenues from the operation of the system for the payment of the debts, bonds, or other evidences of indebtedness secured by the mortgages or deeds of trust.

Section 5. The municipal corporation shall have all the power and authority necessary to reasonably exercise the powers and responsibilities conferred by this act and implement the purposes of this act.

Section 6. The municipal corporation shall be exempt from the regulation and control of the Alabama Public Service Commission with respect to the business transactions made pursuant to this act.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 3:59 P.M.

Act No. 93-392

H. 844 – Rep. Holmes

AN ACT

Relating to Montgomery County; pertaining to the Retirement System for Employees' of Montgomery County, to amend Section 4 of Act No. 356 of the Legislature of Alabama of 1973 to provide for employees with prior employment with the State of Alabama or subdivision thereof to purchase credit in the Retirement System for Employees' of Montgomery County; and to allow those county employees who, but for Section 3 of Act No. 176 of the 1959 Regular Session of the Alabama Legislature, would have contributed to the Retirement System for Employees' of Montgomery County to pay the amount not deducted plus interest and thereby receive credit for membership in the Retirement System for Employees' of Montgomery County for the period of time when such monies were not contributed.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 356 of the 1973 Regular Session of the Legislature is amended to read as follows:

“Section 4. Service Creditable

(1) Each member shall receive service credit for all service rendered while a member of the Retirement System since he became a member, or since he last became a member in the event of a break in his membership.

(2) In addition, any employee who becomes a member pursuant to Section 3, subsection (3), of this act shall be credited with all service prior to the operative date which is creditable to him as of that date pursuant to the provisions of the pension plan or the pension system. Any employee who becomes a member pursuant to Section 3, subsection (4), of this act shall be credited with all service prior to the operative date which is creditable to him as of the effective date of this act pursuant to the provisions of the pension plan or the pension system and all service subsequent to the operative date and prior to his date of membership with which he would have been credited had he become a member on the operative date, provided that he makes the contributions required by Section 3, subsection (4). Any employee who becomes a member on the effective date of this act pursuant to Section 3, subsection (1), shall be credited with all service prior to said date as an employee as herein defined.

When membership ceases other than by retirement or termination of service with entitlement to a vested retirement allowance, the employee's credit for service under this subsection (2) shall be cancelled and should he again become a member he shall not be entitled to credit for service prior to his date of membership.

(3) The commission shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to a year of service, but in no case shall more than one year of service be creditable for all service in one calendar year, nor shall the commission allow credit as service for any period of more than one month's duration during which the employee was absent without pay.

(4) Creditable service at retirement on which the retirement allowance of a member shall be based shall consist of his service credit while a member and, if he continues in service to retirement without a break in membership, any service prior to his date of membership creditable under the provisions of subsection (2) of this section.

(5) Anything in this act to the contrary notwithstanding, if an employee is absent due to service in the armed forces and returns to county service within 90 days after becoming entitled to discharge or within 90 days after hospitalization continuing after discharge for a period of not more than two years, credit for such period of absence commencing prior to the operative date shall be allowed as if such service had been service prior to the operative date as an employee of the county with compensation at the employee's rate of compensation in effect immediately prior to such absence, provided that in no event shall an employee who becomes a member pursuant to Section 3, subsection (3) or (4), of

this act be credited with more service prior to the operative date than he was entitled to receive under the pension plan or the pension system for the comparable period. The period of any such absence commencing on or after the operative date shall be allowed as membership service credit as if such service had been service as an employee of the county with compensation at the member's rate of compensation in effect immediately prior to such absence, provided contributions are made by the member on account of such period.

(6) Any active and contributing member of the Retirement System for Employees' of Montgomery County who has been a member for at least ten years may claim and purchase up to five years credit in the Retirement System for Employees' Montgomery County for service rendered to the State of Alabama or any political subdivision thereof for which the member was covered and contributed to the Retirement System of the State of Alabama or any political subdivision thereof, or for active full-time military service in the Armed Forces of the United States, exclusive of any summer or weekend service in a reserve or national guard component. A member of the Retirement System for Employees' of Montgomery County may receive credit for such other employment provided the following precedents are satisfied:

(a) Such eligible member shall contribute, prior to retirement and within one year of attaining ten years of creditable county service, a sum equal to four and one-half percent of their annual county salary at the time that they attain ten years county service times the years of service or fraction thereof plus interest at the rate of eight percent per annum times the number of years service or fraction thereof. Eligible members with over ten years of county service at the time of passage of this act may purchase retirement credit by contributing to the Retirement System for Employees' Montgomery County within one year of the passage of this act a sum equal to four and one-half percent of their annual salary at the time of the passage of this act times the years of service or fraction thereof to be purchased plus interest at the rate of eight percent per annum times the number of years service or fraction thereof.

(b) Such member shall not receive credit for any service where they are receiving, or are eligible to receive, a retirement allowance from the system for which the credit is being claimed.

(c) The State of Alabama or any political subdivision thereof, through its personnel or administrative office, for which such member was employed shall certify in writing to the Montgomery County Commission the dates of the member's employment together with a statement certifying that such member was a full-time employee who

was covered and contributed to that retirement system during the period claimed and that the member is not, nor is eligible to receive retirement benefits for the period being claimed. Each employee shall obtain from the military service a certification for the dates of employment for full-time active duty and a statement that the individual is not receiving military retirement compensation.

(d) The member shall claim, purchase, and receive credit for eligible service of not less than one year in monthly increments not to exceed a maximum of five years.

(e) Only one application may be submitted by an eligible member during the one year application period.

(f) Any active and contributing member who did not become a member of the Retirement System for Employees' of Montgomery County solely because said person was prohibited from becoming a member by that provision in Section 3 of Act No. 176 of the 1959 Regular Session of the Alabama Legislature requiring one year of service prior to becoming a member of the said retirement system, may pay into the Retirement System for Employees' of Montgomery County that amount of money which was not so deducted plus interest at eight percent per annum calculated from the date which said funds would have been deducted. Upon the payment of said funds within one year from the date of this act, including interest, the said person shall be allocated membership service credit in the retirement system for the said period of service."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time. 4.00 P.M.

Act No. 93-393

H. 12 – Rep. Dolbare

AN ACT

Relating to Washington County; to alter, rearrange, and extend the boundary lines and corporate limits of the municipality of Chatom in Washington County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the municipality of Chatom in Washington County are hereby altered,

rearranged, and extended so as to include within the corporate limits of said municipality, in addition to the lands now included, all of the following territory, to wit:

All that tract or parcel of land lying in Sections 29, 30, 31, and 32 of Township 6 North, Range 2 West, Washington County, Alabama, being more particularly described as follows: Commencing at the SW corner of the N 1/2 of Section 31, Township 6 North, Range 2 West thence East along the South line of said N 1/2 of Section 31, and along the South line of the N 1/2 of Section 32 to the SW corner of the SE 1/4 of NE 1/4 of Section 32, Township 6 North, Range 2 West, thence North 140 feet along the West line of said quarter-quarter Section to a point, thence East 210 feet to a point thence North 210 feet to a point, thence West 210 feet back to a point on the West line of said quarter-quarter Section, thence North along the West line of said quarter-quarter Section to the NW corner of the S 1/2 of the said SE 1/4 of NE 1/4 of Section 32, Township 6 North, Range 2 West, thence East along the North line of the S 1/2 of the SE 1/4 of NE 1/4 of Section 32, Township 6 North, Range 2 West, to the NE corner of the said S 1/2 of SE 1/4 of NE 1/4 of Section 32, Township 6 North, Range 2 West, thence North along the East boundary line of Section 32, Township 6 North, Range 2 West and along the East line of Section 29, Township 6 North, Range 2 West to the NE corner of the S 1/2 of Section 29, Township 6 North, Range 2 West, thence West along the North line of the S 1/2 of Section 29, Township 6 North, Range 2 West and along the North line of the S 1/2 of Section 30, Township 6 North, Range 2 West, to the NE corner of the SW 1/4 of Section 30, Township 6 North, Range 2 West, thence North along the Half Section line to the NE corner of the S 1/2 of NW 1/4 of Section 30, Township 6 North, Range 2 West, thence West along the North line of the said S 1/2 of NW 1/4 of Section 30, Township 6 North, Range 2 West to the NW corner of the S 1/2 of the NW 1/4 of Section 30, Township 6 North, Range 2 West and along the West line of Section 31, Township 6 North, Range 2 West to the SW corner of the N 1/2 of Section 31, Township 6 North, Range 2 West and being the Point of Commencement.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 4:01 P.M.

Act No. 93-394

H. 45 – Rep. Ford

AN ACT

Relating to the City of Attalla; amending Sections 4 and 8 of Act No. 91-161, H. 114, 1991 Regular Session, relating to the city board of education, to provide for the election of the chair and vice-chair of the board annually and to increase the compensation of the board from \$100 per month to \$300 per month.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 4 and 8 of Act No. 91-161, H. 114, 1991 Regular Session, are amended to read as follows:

“Section 4. Elected school board members shall serve for staggered four-year terms. The initial election for city school board members shall be held in conjunction with the Attalla city council election in 1992. The school board members elected from school board districts No. 2 and No. 4 at such election shall serve initial terms of two years. Board members elected from school board districts No. 1, No. 3, and No. 5 shall serve initial terms of four years. Initially elected board members shall serve from the date on which they are sworn into office until the swearing in of their successors next following the next regularly scheduled school board elections. Terms of office for the initially elected board members shall commence at noon on the first Monday of October 1992. Subsequent school board elections shall be called by the city in conformity with the applicable state laws for the elections. At its first meeting each October by majority vote, the board shall elect from its membership a chair and vice-chair.

“Section 8. The compensation for the members of the school board shall be three hundred dollars (\$300) per month to be paid from city school system funds; however, the board may change this amount by majority vote thereof, which changes must be made not later than six months prior to the deadline for qualification of candidates for seats on the board of education. Thereafter, compensation as set by the board, from time to time, shall be in effect for successor boards.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 4:02 P.M.

Act No. 93-395

H. 220 – Rep. Dolbare

AN ACT

Relating to Washington County; providing for additional expense allowance and salary for the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing on the first day of the month immediately following the effective date of this act, the Sheriff of Washington County shall be entitled to an additional expense allowance in the amount of four thousand dollars (\$4,000) per annum, which shall be in addition to all other expense allowances, compensation, or salary provided by law. This expense allowance shall be payable in equal monthly installments from the general fund of the county.

Section 2. Beginning with the expiration of the term of the incumbent sheriff, the annual salary for the sheriff shall be increased by four thousand dollars (4,000) per annum, payable in equal monthly installments from the general fund of the county and at that time, Section 1 shall become null and void.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 4:03 P.M.

Act No. 93-396

H. 221 – Rep. Dolbare

AN ACT

Relating to Washington County; increasing the pistol permit fee the sheriff is required to charge; and providing for the distribution of these funds.

Be It Enacted by the Legislature of Alabama:

Section 1. In Washington County, the total fee for issuance of a permit to carry a pistol as provided by Section 13A-11-75, Code of Alabama 1975, shall be twenty dollars (\$20) per year. Fourteen dollars (\$14) of the amount shall be paid to the sheriff's department and six dollars (\$6) shall be paid to the county commission. The fee provided by this act shall be in lieu of all other pistol permit fees required by law.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 4:04 P.M.

Act No. 93-397

H. 305 – Reps. Carter, Hamilton

AN ACT

Relating to Limestone County; providing further for the distribution of a special recording fee on documents filed in the probate office.

Be It Enacted by the Legislature of Alabama:

Section 1. All special recording fees collected in Limestone County on instruments filed in the office of the judge of probate, pursuant to Act No. 81-510, S. 572, 1981 Regular Session, as amended, shall be deposited by the judge of probate into the “Judge of Probate’s Discretionary Fund.” The monies in this fund shall be expended by the judge of probate for general office operations.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 10, 1993

Time: 4:05 P.M.

Act No. 93-398

H.J.R. 411 – Rep. Laird

HOUSE JOINT RESOLUTION

HONORING MR. HERMAN L. MOORE OF ATLANTA, GEORGIA, UPON HIS RETIREMENT.

WHEREAS, it is with heartiest congratulations and commendation that the Legislature of Alabama notes the retirement of Mr. Herman L. Moore, of Atlanta, Georgia; and

WHEREAS, effective May 31, 1993, shortly after his 65th birthday, Mr. Moore is retiring as Georgia-Pacific’s director of regional governmental affairs; and

WHEREAS, a 37-year veteran of the forest products industry, he joined Georgia-Pacific in 1978, serving as regional manager of state government affairs; and

WHEREAS, Mr. Moore, a native of Belfast, Arkansas, received his Bachelor of Arts degree from Louisiana State University and is a former editor of the Natchez, Mississippi, Times; and

WHEREAS, Mr. Moore and his wife, Willene Harbert Moore, are the loving parents of two daughters, Laura Lee Everitt and

Carol Halbert Mann, and the devoted grandparents of three grandchildren, Courtney Elizabeth Everitt, Lana Merideth Everitt, and Curtis Lee Everitt; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon the occasion of his retirement and in recognition of longtime and outstanding service, we most highly commend Mr. Herman L. Moore, for whom a copy of this resolution shall be presented with sincere best wishes for every future happiness and success.

Approved May 10, 1993

Time: 4:15 P.M.

Act No. 93-399

H.J.R. 459 – Reps. Drake, Butler, Morrow,
Hamilton, Burke, Harvey

HOUSE JOINT RESOLUTION

A RESOLUTION RELATING TO CONSTRUCTION OF THE HUNTSVILLE TOLL BRIDGE AND HIGHWAY PROJECT; APPROVING A PROPOSED PLAN OF FINANCING THE COST OF CONSTRUCTION OF A FORTY-ONE MILE TOLL ROAD AND BRIDGE ACROSS THE TENNESSEE RIVER BY ALABAMA TOLL FACILITIES, INC., A CORPORATION ORGANIZED UNDER THE LAWS OF THE STATE OF ALABAMA; THE LEGISLATURE AGREEING TO ACT AS SPONSOR FOR THE PROJECT; RECOGNIZING THE NEED FOR THE ISSUANCE OF THE CORPORATION'S BONDS TO FINANCE THE PROJECT; ACCEPTING A GRANT OF TITLE TO SUCH FACILITY IN THE NAME OF THE STATE OF ALABAMA UPON RETIREMENT OF THE BONDS TO BE ISSUED PURSUANT TO SUCH PLAN; LIMITING THE SOURCE OF FINANCING TO PRIVATE FUNDS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Alabama (the "Legislature") recognizes the need to utilize additional financial resources to meet the needs of the State highway, bridge and transportation system, including the use of toll and private financing to create new facilities or improve existing transportation facilities; and

WHEREAS, the Legislature of the State of Alabama is advised by representatives of Alabama Toll Facilities, Inc. (the "Corporation"), that the Corporation is organized and existing under and pursuant to the provisions of the laws of the State of

Alabama and intends to provide for the construction of a four-lane, limited access toll road from U.S. Highway I-65 northerly for a distance of approximately 41 miles to the Tennessee River, and construction of a four-lane toll bridge across the Tennessee River connecting roadways within the City of Huntsville to Cullman County and points South ("Project"), said Project constituting the first phase of a roadway intended to access the Alabama coast; and

WHEREAS, the Corporation has further advised the Legislature that it intends to organize and operate as a non-profit corporation organized pursuant to Section 501(c)3 of the Internal Revenue Code in order to finance the cost of acquisition and construction and equipping of the Project and the Corporation deems it advisable to borrow money and to issue its Alabama Toll Facilities, Inc., Revenue Bonds (the "Bonds") and to mortgage and pledge as security for the Bonds, the Corporation's interest in the property comprising the Project and the revenues to be derived from the operation thereof; and

WHEREAS, it is the intent of the Corporation and the Legislature that the Project be financed by the Corporation without the use or pledge of any State of Alabama funds or federal funds; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

Section 1. This Resolution shall be entitled "Construction of the Huntsville Toll Bridge and Highway Project."

Section 2. The purposes and activities of the Corporation, particularly the financing, construction, acquisition and operation of the Project, including issuance of the Bonds, subject to subsequent approval of the Bond documents and other conditions and restrictions are approved as set forth herein.

Section 3. The Bonds must be special obligations of the Corporation payable from revenues of the Project, secured by a mortgage on the Corporation's interest in the Project and an assignment of the revenues to be derived from the operation thereof, all as must be provided in accordance with the terms of the Indenture of Mortgage and Trust which must be executed by and between the Corporation and a trust company or bank having trust powers.

Section 4. The proceeds from the sale of the Bonds shall be used only for the specific corporate purpose of providing funds for the financing of the cost of the Project and the payment of the expenses of developing the Project and issuing the Bonds, and the Corporation may not make and must not make any profit by

reason of any business or venture in which it may engage or by reason of the acquisition of the Project and its subsequent operation, and no part of the net earnings of the Corporation, if any, will inure to the benefit of any private person, firm or corporation and must be retained by the Corporation for lawful corporate use.

Section 5. The transaction must contemplate and provide an arrangement whereby all of the right, title and interest of the Corporation in and to all the real and personal property constituting the Project shall vest in the State upon retirement of the Bonds.

Section 6. The Corporation has requested the Legislature to state its intentions with respect to the Project in order to induce them to proceed with such Project and incur expenses for its initiation and its financing. The Legislature recognizes that this plan of financing the Project and the State's acceptance of title to the Project upon retirement of the Bonds will qualify such Bonds as tax-exempt governmental obligations for purposes of the Internal Revenue Code of 1986 as amended, which will result in a reduction of the interest expenses of the Corporation with respect to financing the Project. The condition that the State, through the Legislature of the State of Alabama, accept title to such facilities, in accordance with the terms hereof, upon retirement of the Bonds is an important factor under consideration by the Corporation and their advisors in determining the financing feasibility of the proposed Project, said financial feasibility to first be determined before the commencement of the Project.

Section 7. In order to induce the Corporation to locate and establish the Project in the area of operation of the State and incur expenses for the initiation of the Project and its financing, the Legislature, in accordance herewith, hereby authorizes and designates the Corporation as the exclusive entity for the accomplishment of the purposes set forth herein and consents to accept title in the name of the State of Alabama to the real and personal property constituting the Project upon retirement of the Bonds to be issued by the Corporation to finance the cost of the acquisition and construction of the Project, provided receipts from the Bonds sold provide sufficient sums of money to finance the cost of the complete acquisition and construction of the Project and that the money is so used.

Section 8. Nothing herein contained shall be construed to create any obligation, direct, indirect or contingent, on the part of the Sponsor to pay any part of the cost of the Project, or any expense of the operation of the Project or of such financing, or to pay the principal of and/or interest on any such proposed Bonds, or to operate and maintain the Project either in the event of default

or failure by the Corporation or at such time as the transfer of the Project to the Sponsor shall become absolute.

Section 9. This Resolution shall become effective immediately upon its adoption.

Approved May 10, 1993

Time: 4:16 P.M.

Act No. 93-400

H.J.R. 11 – Reps. Turner, Biddle, McMillan,
Blakeney, Richardson, Mikell,
Gaines, Poole, Warren, Harper,
White

HOUSE JOINT RESOLUTION

RESOLUTION TO SUPPORT THE REQUEST OF U.S. SENATORS SAM NUNN, HOWELL HEFLIN, AND RICHARD SHELBY TO PRESIDENT CLINTON TO KEEP IN TACT THE BAN ON HOMOSEXUALS SERVING IN THE U.S. ARMED FORCES.

WHEREAS, U.S. Senator Sam Nunn, D-Georgia, Chairman of the Senate Armed Services Committee, has called on President Bill Clinton not to lift the ban on homosexuals serving in the armed forces of the United States; and

WHEREAS, U.S. Senators Howell Heflin and Richard Shelby of Alabama have voiced their support of Senator Nunn's position; and

WHEREAS, the ban on homosexuals serving in the U.S. armed forces has been in place for the past 50 years and removing the ban could be disastrous to unit morale and cohesion in the armed forces of the United States; and

WHEREAS, the overwhelming majority of Alabamians support the continuation of the gay ban; and

WHEREAS, allowing acknowledged homosexuals to serve in the military could adversely impact federal funding of V.A. hospitals because of a likely increase in servicemen contracting the AIDS virus;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That strong support be given to the efforts of Senators Nunn, Heflin, and Shelby to have continued in effect the ban against homosexuals serving in the armed forces of the United States.

BE IT FURTHER RESOLVED That a copy of this resolution be presented to President Bill Clinton, Senators Nunn, Heflin, and Shelby and other members of Alabama's congressional delegation.

Approved May 10, 1993

Time: 4:17 P.M.

Act No. 93-401

H.J.R. 96 – Rep. Haynes

HOUSE JOINT RESOLUTION

SPECIFYING THE LEGISLATIVE INTENT OF ACT 91-617.

WHEREAS, the Alabama Legislature passed H. 324 which later became Act 91-617 on July 30, 1991; and

WHEREAS, the act specifically states that any member of the Teachers' or Employees' Retirement System of Alabama may, at the member's option, in lieu of receiving payment for 50 percent of his or her accrued and unused sick leave at the time of retirement, convert up to 180 accrued sick leave days to creditable service in the Employees' Retirement System; and

WHEREAS, the additional 30 days credit beyond the 150 allowed by the State Personnel Department may only be claimed toward retirement credit and not used as the accrued sick leave to calculate the option of receiving payment for 50 percent at the time of retirement; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That with the enactment of Act 91-617, the Legislature intended that any member of the Teachers' or Employees' Retirement System may exercise the option to use up to 180 days of accrued sick leave toward creditable service in the retirement system in lieu of receiving pay for 50 percent of up to 150 accrued days allowed by the State Personnel Department.

BE IT FURTHER RESOLVED, That the State Personnel Department amend its rules to conform with Act 91-617 and permit any employee to exercise his or her option on the leave as provided in the act.

RESOLVED FURTHER, That a copy of this resolution be sent to the Retirement Systems of Alabama and to the Director of Personnel of the State of Alabama.

Approved May 10, 1993

Time: 4:18 P.M.

Act No. 93-402

H.J.R. 287 – Rep. Turner

HOUSE JOINT RESOLUTION

COMMENDING WILLIE JUANITA NICHOLS ON HER RETIREMENT FROM ROSA A. LOTT ELEMENTARY SCHOOL IN CITRONELLE, ALABAMA.

WHEREAS, Willie Juanita Nichols, upon retirement from Rosa A. Lott Elementary School at the end of the current school year, will have completed 32 years of exemplary service to the educational community of Citronelle; and

WHEREAS, her entire career as a fifth grade and Chapter 1 teacher has been dedicated to Rosa A. Lott School, commuting daily over 35 miles from her home to school; and

WHEREAS, Mrs. Nichols' positive influence and continuing presence has created a reassuring sense of security in her students and their parents; and

WHEREAS, Mrs. Nichols' service, however, is not limited to the field of education, as she is active also in her community where she plays the piano for various civic and church programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Mrs. Willie Juanita Nichols for 32 years of meritorious service to public education; we further extend sincere best wishes for her every future success and happiness in retirement and direct that she receives a copy of this resolution of our deep appreciation and warm personal regard.

Approved May 10, 1993

Time: 4:19 P.M.

Act No. 93-403

H.J.R. 290 – Rep. Morrow

HOUSE JOINT RESOLUTION

COMMENDING THE RED BAY FFA QUARTET AND STRING BAND.

WHEREAS, it is with highest commendation that the Alabama Legislature most heartily congratulates the Red Bay Future Farmers of America (FFA) Quartet and String Band; and

WHEREAS, the Red Bay FFA Quartet, now in its fifth year, placed 3rd in North District Competition in 1990, 2nd in 1989 and 1992, and 1st in 1991; in state competition, this outstanding quartet placed 2nd in 1991, 1st in state in 1992, and have twice appeared (1991 and 1992) as national talent at the National FFA Convention in Kansas City; and

WHEREAS, the Red Bay FFA String Band, directed by Paul Winchester, and in only its 3rd year, has taken 1st and 2nd place in North District Competition in 1991 and 1992, respectively; was 3rd in 1991, and 2nd in 1992 in state competition; and in 1992, along with the Red Bay Quartet, appeared as national talent at the National FFA Convention; and

WHEREAS, these super talented groups from Red Bay High School, under the supervision of Herbert Trulove, Quartet Director Tony Launius, and String Band Director Paul Winchester, have brought national recognition to their FFA Chapter, their school, the Red Bay community, Franklin County, and the State of Alabama, and we are justly proud of their many outstanding accomplishments; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Red Bay FFA Quartet and String Band, Directors Tony Launius and Paul Winchester, and Advisor Herbert Trulove for extraordinary achievement, and do further direct that copies of this resolution be prepared for appropriate presentation and display at Red Bay High School.

Approved May 10, 1993

Time: 4:20 P.M.

Act No. 93-404

H.J.R. 292 – Reps. Powell, Smith (C)

HOUSE JOINT RESOLUTION

CONGRATULATING BILLINGSLEY HIGH SCHOOL AS ALABAMA'S 1992 STATE 1A FOOTBALL CHAMPIONS.

WHEREAS, it is with sincere pride and pleasure that the Alabama Legislature congratulates the Billingsley High School Bears on their 1992 State Class 1A Football Championship; and

WHEREAS, overcoming the strength and size of their opponents with exceptional skill and determination, the Billingsley

Bears, in a traditional battle to the finish, defeated the Parrish Tornadoes to take the Title in a spectacular 13-12 finish, and end the season with an impressive 15-0 overall record; and

WHEREAS, under the brilliant leadership and direction of Head Coach James Carter, most ably assisted by Coaches Gerald Carter and Walter Hunter, statistician James Wallace, and managers Jason Hill, Zack Chastain, Judson Hill, Jason Parker, and Blake Carter, Billingsley racked up a staggering 5,676 total yards, 81 touchdowns, including 3 kickoff returns, and captured a state record 561 total points scored; and

WHEREAS, the 1992 Championship Bears, each of whom contributed greatly to a fantastic season and State Title, are Dewayne Bone, Darryl Brown, Eric Callens, Anthony Courtney, Tracy Edwards, Darrel Henderson, James Hubbard, Tim Sturdivant, Henry White, Chris Wyatt, Paul Campbell, Brian Gibbons, Jackson Hill, Ryan Moore, Robert Lee Parker, Louis Turner, Robery Weaver, Jack Willis, Randall Davis, Marvin Luster, Bubba Powell, Will Smith, David Spencer, Brian Carter, Russell Scott, Corey Faulkner, Clinton Peoples, Kenny Sheppard, Rufus Rosschile, Jerry Edwards, Scott Clark, and Julius Parker; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and in an expression of pride that is shared statewide, we hereby most highly commend and congratulate the football champions of Billingsley High School, and direct that copies of this resolution be forwarded to Coach Carter for appropriate presentation and school display.

Approved May 10, 1993

Time: 4:21 P.M.

Act No. 93-405

H.J.R. 293 – Rep. Petelos

HOUSE JOINT RESOLUTION

RECOGNIZING MR. CHUCK COLSON, RECIPIENT OF THE TEMPLETON PRIZE FOR PROGRESS IN RELIGION.

WHEREAS, Chuck Colson, chairman and founder of Prison Fellowship Ministries, has been awarded the prestigious Templeton Prize for Progress in Religion; and

WHEREAS, the Templeton Prize is awarded to a living person who has demonstrated extraordinary originality in advancing people's

understanding of God and is valued this year at more than \$1,000,000; and

WHEREAS, previous winners of the Templeton Prize have included Mother Theresa (1973), The Reverend Billy Graham (1982), and Aleksandr Solzhenitsyn (1983); and

WHEREAS, Mr. Colson was selected for his work in leading Prison Fellowship Ministries to “bringing the message of salvation through Christ to prisoners, and serving as an advocate for humanitarian treatment of prisoners, support for crime victims’ rights, and reform of sentencing laws”; and

WHEREAS, the Alabama Chapter of Prison Fellowship has for 12 years been teaching, training, and equipping organizations with experienced volunteers throughout the state who assist the church in ministering to prison inmates, ex-offenders and their families; and,

WHEREAS, the goal of all the labors of Prison Fellowship Ministries in Alabama is to help prison inmates, ex-offenders, and their families become obedient followers of Christ and productive, contributing members of their churches and communities, and to promote Biblical standards of justice in the criminal justice system; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA. BOTH HOUSES THEREOF CONCURRING, That in public acknowledgement of his work and support of Prison Fellowship Ministries, and as the recipient of the Templeton Prize for Progress in Religion, we hereby recognize the many accomplishments of Mr. Chuck Colson, to whom a copy of this resolution shall be presented.

Approved May 10, 1993

Time: 4:22 P.M.

Act No. 93-406 H.J.R. 294 – Reps. Smith (C), Powell, Anderson,
Barnes, Beasley, Biddle, Black (L),
Black (M), Blakeney, Bowling,
Box, Bryant, Bugg, Burke,
Buskey, Butler, Cagle, Campbell,
Carns, Carothers, Carter,
Clark (J), Clark (W), Clay, Collins,
Cosby, Crow, Cullins, Curry,

Dolbare, Drake, Flowers, Ford,
 Freeman, Fuller, Gaines, Gaston,
 Goodwin, Grayson, Gullatt, Hall,
 Hamilton, Hammett, Haney,
 Harper, Harvey, Hawkins,
 Haynes, Higginbotham, Hill,
 Hogan, Holladay, Holley, Holmes,
 Hooper, Johnson, Kennedy,
 Knight (A), Knight (J), Kvalheim,
 Laird, Layson, Letson, Lindsey,
 Mathis, McClain, McDaniel,
 McDowell, McKee, McMillan,
 Melton, Mikell, Millican, Morrow,
 Morton, Newton (C), Newton (D),
 Parker (P), Parker (T), Payne,
 Penry, Perdue, Petelos, Poole, Rich,
 Richardson, Rockhold, Rogers (F),
 Rogers (J), Sanderford, Sanderson,
 Smith (R), Spratt, Starkey,
 Thomas, Turner, Turnham,
 Venable, Walker, Warren, White,
 Williams, Willis, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING BO JACKSON ON MAKING THE CHICAGO WHITE SOX ROSTER AFTER RECOVERING FROM A SERIOUS HIP INJURY.

WHEREAS, Bo Jackson sustained a serious hip injury while playing football for the Los Angeles Raiders football team; and

WHEREAS, orthopedic surgeons stated that he would never play any sport again after being fitted with an artificial hip; and

WHEREAS, through consistent hard work, Bo Jackson rehabilitated himself in his quest to play professional baseball; and

WHEREAS, because of his hard work and his perseverance, Bo Jackson earned a place on the 25-man roster of the Chicago White Sox professional baseball team on March 24, 1993; and

WHEREAS, Bo Jackson is the first professional athlete to be an All-Star in two sports and the first professional athlete to play with an artificial hip; and

WHEREAS, the outstanding accomplishments of Bo Jackson reflect favorably on the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition

of incredible determination, the Alabama Legislature sends heartfelt congratulations to Bo Jackson, the first pro athlete to remain active in his sport with an artificial hip.

BE IT FURTHER RESOLVED, That a copy of this resolution of sincere praise and personal regard be provided for Mr. Jackson.

Approved May 10, 1993

Time: 4:23 P.M.

Act No. 93-407

H.J.R. 344 – Rep. Cosby

HOUSE JOINT RESOLUTION

REQUESTING THE U. S. CONGRESS TO USE DEFENSE CONVERSION REVENUE FOR THE DEVELOPMENT OF BUSINESS INCUBATORS.

WHEREAS, the Legislature of Alabama notes that the economy of the United States of America is undergoing major structural changes; and

WHEREAS, job opportunities for the citizens of the United States are being challenged daily; and

WHEREAS, employers cannot maintain competitiveness by exclusively downsizing and cost-cutting without further actions; and

WHEREAS, we recognize the need to develop new businesses and create opportunities for expanding existing industries; and

WHEREAS, the threat to world peace has diminished due to the end of the Cold War and communist governments are becoming democratic governments; and

WHEREAS, this transition will cause the budget of the United States government to realize a peace dividend; and

WHEREAS, the Clinton administration policy calls for “A vision of change for America”; and

WHEREAS, business incubators have successfully created new jobs for the citizens of the United States; and

WHEREAS, business incubators, as a proven agent of change, answer the call for “A vision of change for America” by President Clinton; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we encourage the Congressional Delegation of Alabama and the Clinton administration to provide peace dividend revenue or revenue allocated in the defense conversion program to the Economic Development Administration for use by business incubators in the several states in cooperation with the National Business Incubation Association.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to each member of the Alabama Congressional Delegation and President Clinton that they may know of our desires in this matter.

Approved May 10, 1993

Time: 4:24 P.M.

Act No. 93-408

H.J.R. 409 – Rep. Freeman

HOUSE JOINT RESOLUTION

AMENDING HJR 107, ACT NO. 92-89, 1992 REGULAR SESSION, WHICH CREATED A BOARD TO COORDINATE THE SUPPORT AND PARTICIPATION BY THE STATE OF ALABAMA IN THE 1996 SUMMER OLYMPICS TO BE HELD IN ATLANTA, GEORGIA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is created a board to coordinate the support and participation of the State of Alabama in the 1996 Summer Olympics to be held in Atlanta, Georgia. The objectives of the board shall be:

(1) To promote the Olympics and encourage tourists to visit and spend time in Alabama while attending the Olympics.

(2) To coordinate the use of facilities in Alabama that may be utilized for the Olympics.

(3) Encourage private funding for the activities of the board.

The board shall coordinate with all of the following:

(1) Alabama Department of Tourism and Travel.

(2) Hotel and motel associations.

(3) Business and industry.

(4) Universities.

(5) Chambers of commerce.

The board shall be composed of twelve members to be appointed as follows:

- (1) Four appointed by the Governor.
- (2) Four appointed by the Lieutenant Governor, two of whom shall be members of the Senate.
- (3) Four appointed by the Speaker of the House of Representatives, two of whom shall be members of the House of Representatives.

The Governor shall be the chair and the Lieutenant Governor shall be the vice chair. The Governor shall call the first meeting no later than 90 days after appointments are finalized by December 31, 1992. The members of the board shall receive the same mileage and per diem as state employees for attending meetings of the board which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. The board may only meet 30 days within each calendar year and the board shall be dissolved at the conclusion of the 1996 Summer Olympics.

Approved May 10, 1993

Time: 4:25 P.M.

Act No. 93-409

H.J.R. 412 – Reps. Bowling, Drake

HOUSE JOINT RESOLUTION

URGING THE ALABAMA DELEGATION OF THE UNITED STATES CONGRESS TO ASSIST AND SUPPORT THE EFFORTS OF THE RUSSIAN GOLOVKINA FAMILY TO REMAIN IN THE UNITED STATES AND BECOME CITIZENS.

WHEREAS, in May 1991 Valentina Golovkina and her ten-year-old daughter, Nastya, arrived in Alabama from the former Soviet Union via Project Little Lamb, a Cullman-based missionary and support group, for medical treatment of Nastya who developed acute lymphocytic leukemia when she was five, after the Chernobyl nuclear plant disaster; and

WHEREAS, in May 1992 the doctors determined that Nastya needed a bone-marrow transplant and her father Arkadi Golovkina, and her sister Olga left their home to join Nastya and her mother in Cullman; and

WHEREAS, during the following year a fund-raising campaign was conducted so that Nastya could have the bone-marrow

transplant, but she never received the transplant for a number of reasons, including the difficulty of finding a donor; and

WHEREAS, twelve-year-old Nastya's seven-year battle with leukemia ended April 6, 1993 at Children's Hospital, Birmingham, Alabama, with her parents Arkadi and Valentina Golovkina, and her sister Olga by her side, and she was laid to rest in Cullman City Cemetery, in a city where she was declared an honorary citizen; and

WHEREAS, the Golovkina family came to the United States under a medical visa and have resided in Cullman since their arrival, where they have received overwhelming support from the citizens of Cullman and this state and where they have come to appreciate and enjoy the freedom and opportunities of a democracy; and

WHEREAS, the Golovkinas gave up everything, including their homes and professions, to be with their daughter, Nastya, and should they be required to return to their homeland, they will face destitution.

WHEREAS, each member of the Golovkina family is trained and experienced in professions that would be compatible and beneficial to the economy of this state and jobs have been made available to each of them in Alabama; and

WHEREAS, the Golovkina family with the support and assistance of the citizens of Cullman and this state are making every effort to remain in the United States and acquire citizenship in this great country; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most respectfully, but strongly urge all members of the Alabama Delegation to the United States Congress to assist in and support the efforts of the Golovkina family to remain in the United States and become citizens.

RESOLVED FURTHER, That copies of this resolution be sent to each member of the Alabama Congressional Delegation.

Approved May 10, 1993

Time: 4:26 P.M.

Act No. 93-410

H.J.R. 241 – Rep. White

HOUSE JOINT RESOLUTION

REQUESTING THE UNITED STATES CONGRESS TO REPEAL CERTAIN PROVISIONS OF THE OMNIBUS TRADE AND COMPETITIVENESS ACT, 1988, RELATING TO THE USE OF THE METRIC SYSTEM ALONG THE HIGHWAYS.

WHEREAS, the United States Congress enacted Section 5164 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418) and the Metric System Conversion Act of 1975 (Public Law 94-168) and are codified in part as 15 United States Code 205 a. and following sections, and will require all the states to allocate vast sums of taxpayers' dollars to erect metric signs along the highways of this nation by 1996, and indeed has already caused various federal agencies to convert their operations to the metric system; and

WHEREAS, there is much public opposition in Alabama to converting to the metric system as a nation, and to a further intrusion by the federal government into the every day lives of its citizens, and the metric signs along the highways of this state will cause many accidents along the highways; and

WHEREAS, President George Bush on July 25, 1991, issued Executive Order 12770 and designated the Department of Commerce to coordinate to implement the government metric usage and further ordered specific actions by the various executive branch departments and agencies by September 30, 1992; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we request the United States Congress to repeal forthwith those provisions of Section 5164 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418) and the Metric System Conversion Act of 1975 (Public Law 94-168) that require the states to erect metric signs along the highways by 1996 at considerable state expense.

BE IT FURTHER RESOLVED, That we strongly urge President Clinton to rescind forthwith Executive Order 12770, July 1991, and any other executive orders that require the states to erect metric signs along the highways by 1996.

RESOLVED FURTHER, That copies of this resolution be sent by the the Clerk of the House to the President of the United States, to each member of the Alabama Congressional Delegation, and to the Secretary of Commerce.

Approved May 10, 1993

Time: 4:27 P.M.

Act No. 93-411

H.J.R. 253 – Rep. Layson

HOUSE JOINT RESOLUTION

URGING THE U.S. CONGRESS TO OPPOSE THE PROPOSED WATERWAY FUEL TAX.

WHEREAS, the Tennessee-Tombigbee Waterway Development Authority is an interstate compact comprised of the States of Alabama, Kentucky, Mississippi, and Tennessee; and

WHEREAS, this multi-state agency represents the public and private interests in the development of the Tennessee-Tombigbee Waterway and its commercial and trade potential; and

WHEREAS, Barge transportation is clearly the most energy efficient and the most environmentally safe mode for moving certain commodities such as petroleum and chemicals; and

WHEREAS, a user fee or fuel tax of one dollar (\$1) per gallon to recoup the federal costs of operating and maintaining the Nation's waterways, in addition to the current user tax that will reach 20 cents per gallon by 1995, and a proposed energy tax on B.T.U. consumption by the Clinton Administration that will affect all energy users; and

WHEREAS, these aforementioned proposals, if enacted, will raise total waterway user fuel taxes to one dollar (\$1) per gallon resulting in skyrocketing transportation rates that will drive commerce off the river; and

WHEREAS, this inequitable level of taxation will certainly shut down this vital transportation system and create enormous business losses to American industry, farmers, coal, and other producers, thereby jeopardizing billions of dollars of private and public investments dependent upon waterways; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most strongly oppose the the approval or enactment of an additional per gallon user fuel fee by the federal government due to its iniquity and resultant losses to local, regional, and national economies.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to each member of the Alabama Congressional Delegation that they may know of our desires concerning this matter.

Approved May 10, 1993

Time: 4:28 P.M.

Act No. 93-412

H.J.R. 264 – Rep. Letson

HOUSE JOINT RESOLUTION

URGING THE STATE HIGHWAY DEPARTMENT TO
ERECT DESTINATION SIGNS ALONG ALABAMA HIGHWAY
NO. 157 IN LAWRENCE COUNTY TO SPEAKE HIGH SCHOOL.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we urge the Alabama State Highway Department to cause at least two destination signs giving directions to Speake High School to be erected along Alabama Highway No. 157 in Lawrence County.

BE IT FURTHER RESOLVED, That a copy of this resolution shall be sent by the Clerk of the House to Mr. Mack Roberts, Highway Director.

Approved May 10, 1993

Time: 4:29 P.M.

Act No. 93-413

H.J.R. 273 – Reps. McClain, Rogers (J), Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Grayson, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole,

Powell, Rich, Richardson,
 Rockhold, Rogers (F),
 Sanderford, Sanderson,
 Smith (C), Smith (R),
 Spratt, Starkey, Thomas,
 Turner, Turnham,
 Venable, Walker, Warren,
 White, Williams, Willis,
 Zoghby

HOUSE JOINT RESOLUTION

REQUESTING THE UNITED STATES CONGRESS TO
 DIRECT THE INTERNATIONAL TRADE COMMISSION TO
 STUDY THE DOMESTIC METALLURGICAL COKE MARKET.

WHEREAS, the long and storied history of iron and steel manufacturing in this state has existed on the strong shoulders of coke producers; and

WHEREAS, the coke industry in the United States is tied to the economic well-being of this state; and

WHEREAS, there are five coke producers within this state who have hundreds of employees and millions of dollars in payroll and form a significant part of the tax base of this state; and

WHEREAS, a situation exists where foreign coke producers are dumping metallurgical coke into this country's market at less than the cost of producing domestic coke, even though they import much of their coal from the United States; and

WHEREAS, the importation of foreign coke will cause the loss of several thousand jobs and be a lasting detriment to this country's steel industry; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Congressional Delegation and the President of the United States are respectfully requested to direct the International Trade Commission to study the domestic metallurgical coke market to identify and document the import practices of metallurgical coke producers and brokers relative to production costs, recovery, and marketplace influence.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to Senator Heflin, Senator Shelby, the Alabama U. S. House Delegation and President Clinton.

Approved May 10, 1993

Time: 4:30 P.M.

Act No. 93-414

H.J.R. 277 – Rep. Hooper

HOUSE JOINT RESOLUTION

EXPRESSING THE SENSE OF THE LEGISLATURE THAT WOMEN'S SOCCER SHOULD BE A MEDAL SPORT AT THE 1996 CENTENNIAL OLYMPIC GAMES IN ATLANTA, GEORGIA.

WHEREAS, the participation in soccer programs by women in the United States of America and abroad has increased dramatically since 1988; and

WHEREAS, forty-five nations competed in the first Women's World Soccer Championship in the People's Republic of China; and

WHEREAS, the United States Women's National Soccer team won the first Women's World Soccer Championship; and

WHEREAS, bids have been extended to host the second Women's World Soccer Championships; and

WHEREAS, sixty-four nations have a national women's soccer team; and

WHEREAS, forty percent of American youth playing soccer are female; and

WHEREAS, twenty-six percent of the more than 29,000 soccer players at the college level in the United States are women; and

WHEREAS, one-third of the 327,000 soccer players at the high school level are women; and

WHEREAS, during the 1990-1991 school year, high schools in the United States of America added soccer to their sports programs more often than any other sport; and

WHEREAS, Atlanta, Georgia, will host the 1996 Olympic games; and

WHEREAS, many nations have announced that they will give women's soccer priority in their Olympic programs once it becomes a medal sport; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby support the cause of women's soccer teams in becoming a medal sport at the 1996 centennial Olympic games in Atlanta, Georgia.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided to the International Olympic Committee.

Approved May 10, 1993

Time: 4:31 P.M.

Act No. 93-415

H.J.R. 278 – Rep. Hooper

HOUSE JOINT RESOLUTION

DECLARING THE DEVELOPMENT OF HIGH SPEED RAIL TRANSPORTATION TO BE IN THE INTEREST OF THE STATE OF ALABAMA.

WHEREAS, the Legislature of Alabama finds that the President of the United States has pledged to invest billions of dollars in rehabilitating and enlarging the industrial infrastructure of this country; and

WHEREAS, President Clinton has included in his scheme for reviving the economy of this country the development of high speed rail transportation as a way of using an available industrial infrastructure on a national scale and rehabilitating it for use into the twenty-first century; and

WHEREAS, the development of high speed rail transportation in Alabama would provide jobs for its citizens and long-term investments in its economy; and

WHEREAS, the creation of a high speed rail authority would provide a vehicle for coordinating state and federal planning of high speed rail transportation in Alabama and be a conduit for federal funds; and

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we encourage the development of high speed rail transportation in Alabama as a positive influence on the economic lives of our citizens and hereby declare that its development is in the best interests of the citizens of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be presented to the state congressional delegation in Washington D.C.

Approved May 10, 1993

Time: 4:32 P.M.

Act No. 93-416

H.J.R. 279 – Reps. Johnson, Beasley, Carothers

HOUSE JOINT RESOLUTION

PROVIDING FOR A LEGISLATIVE STUDY COMMITTEE TO EVALUATE UNMET NEEDS OF CAREGIVERS AND VICTIMS OF ALZHEIMER'S DISEASE AND RELATED DISORDERS.

WHEREAS, The legislative committee to evaluate the unmet needs of caregivers and victims of Alzheimer's Disease and related disorders has been dissolved and discharged; and

WHEREAS, The Legislature is in need of data relative to:

- (1) The extent of Alzheimer's Disease and related disorders;
- (2) To identify available resources and gaps in needed services for persons suffering from the disease and for their families; and
- (3) To develop policy recommendations to address the problem of Alzheimer's Disease in Alabama covering the following areas:
 - a. Financial assistance and social supports to patients and families.
 - b. Improved patient care and services.
 - c. Increased public awareness.
 - d. Research.
 - e. Improved coordination of state activities.
 - f. Education.
 - g. Legislative initiatives; and

WHEREAS, The Legislature is aware of an ongoing Executive Task Force Study Committee on Alzheimer's Disease which has spent many months developing the data that this body needs to evaluate the appropriate legislative action in order to eliminate the duplication of fact-finding, energies, and state funds; now, therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the members of the Executive Study Committee on Alzheimer's Disease who are not public officials or state employees be reimbursed for the costs and expenses reasonably related to the task study on Alzheimer's Disease from appropriations made to the Legislature upon approval by the chairman in warrant drawn from funds appropriated to the Legislature, not to exceed ten thousand dollars (\$10,000).

BE IT FURTHER RESOLVED, That the state agencies and departments represented on the committee shall provide necessary clerical and technical assistance and shall serve without additional compensation.

BE IT FURTHER RESOLVED, That the committee report its findings and recommendations to the Legislature by the tenth legislative day of the 1994 Regular Session, and from time to time in

the interim, at which time the committee shall stand discharged of any further duties and responsibilities and shall be dissolved.

Approved May 10, 1993

Time: 4:33 P.M.

Act No. 93-417 H.J.R. 422 – Reps. Kvalheim, Gaston, Zoghby,
McMillan, Penry, Buskey,
Harper

HOUSE JOINT RESOLUTION

**COMMENDING JOHN B. SAINT, DON P. KELLY, AND
CHESTER J. STEFAN FOR PURCHASING THE MITCHELL
COMPANY FROM THE RESOLUTION TRUST CORPORATION.**

WHEREAS, deserving of highest praise and commendation are John B. Saint, Don P. Kelly, and Chester J. Stefan, who as three executives at The Mitchell Company purchased the development corporation from the Resolution Trust Corporation under a new Mobile-based corporation, JDC Acquisition Corporation; and

WHEREAS, under the continued leadership of Saint, Kelly, and Stefan, the immediate focus will be expanding the single-family housing operation in Mobile and Baldwin Counties, the Florida pan-handle, and the southern portion of Louisiana; and

WHEREAS, financing for the purchasing of The Mitchell Company, a subsidiary of the defunct Altus Bank for Savings, was provided by SouthTrust Bank of Mobile; and

WHEREAS, in the Professional Builder Magazine, the Mitchell Company was ranked No. 151 out of 400 home builders in the country in 1992; and

WHEREAS, President and CEO since 1988, Mr. Saint joined the company in 1972 as an administrative assistant, and Mr. Kelly and Mr. Stefan, senior executive vice-presidents who joined the company in 1972 and 1973, respectively, will make up the rest of the three member board of directors; now therefore,

**BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA,
BOTH HOUSES THEREOF CONCURRING,** That we wish every success and commend John B. Saint, Don P. Kelly, and Chester J. Stefan for purchasing The Mitchell Company and do further direct that each receive a copy of this resolution of sincere praise and admiration.

Approved May 10, 1993

Time: 4:34 P.M.

Act No. 93-418 H.J.R. 423 – Reps. Kvalheim, Gaston, Zoghby

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF SAMUEL MCCOY JOHNSTON, JR., OF MOBILE, ALABAMA.

WHEREAS, it is with deepest sorrow and regret that the Alabama Legislature records the death of Samuel McCoy Johnston, Jr., of Mobile, Alabama, on April 18, 1993, at the age of 73 years; and

WHEREAS, a lifelong resident of Mobile and a partner in the prestigious law firm of Johnston, Wilkins, Druhan and Holtz, Mr. Johnston was a graduate of the Alabama School of Law, and served with the U. S. Army Signal Corps during World War II, and as a hearing officer with the U. S. Selective Service for the Southern District of Alabama during the Vietnamese conflict; and

WHEREAS, Mr. Johnston further served as assistant circuit solicitor from 1949 to 1950; as Alabama State Bar Commissioner from the 13th Circuit from 1960 to 1978; and as secretary, and subsequently as a board member of the Mobile Gas Service Corporation since 1974; and

WHEREAS, he also was a former member of the board of directors of Waller Bros., Inc., and was a founding member of the Mobile Chapter of the University of Alabama Red Elephant Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That deeply mourned is the death of Samuel McCoy Johnston, Jr., of Mobile, Alabama, and deepest heartfelt sympathy is hereby extended to his sons, James C. Johnston, Carter U. Johnston and Joseph S. "Rusty" Johnston; to his sister, Annie Ruth Foshee; six grandchildren; and to other family members, for whom a copy of this resolution shall be provided.

Approved May 10, 1993

Time: 4:35 P.M.

Act No. 93-419 H.J.R. 424 – Reps. Kvalheim, Gaston, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING DR. EDMUND "ED" DYAS ON HIS INDUCTION INTO THE 1993 MOBILE SPORTS HALL OF FAME.

WHEREAS, it is with sincere pride and pleasure that the Alabama Legislature notes the induction of Dr. Edmund "Ed" Dyas into the Mobile Sports Hall of Fame Class of 1993; and

WHEREAS, dedication, versatility, and talent aptly describe Ed Dyas, a native Mobilian who began his football career at McGill High School and was an All-American Auburn Tiger, playing two-ways as fullback and linebacker in 1958-1960; and

WHEREAS, in 1960, Ed Dyas kicked an unprecedented 13 of 17 field goals, setting an NCAA record, and four of Auburn's eight wins that year were on the strength of his field goals; in that same year "Mr. Versatile" made the All-American Team of 1960 at fullback and he finished fourth in the Heisman trophy balloting as well as being Auburn's sixth all-time leading rusher, crunching out 1,298 yards, and he was captain of the 1960 Scholastic All-American Team; and

WHEREAS, his concern and care of humanity and his vision since youth of being in medicine caused him to decline drafts in football with the Baltimore Colts and San Diego Chargers and to enroll at Tulane University Medical School where he finished in the top 10 percent of his class and, after service in the United States Navy, Dr. Ed Dyas returned to Mobile in the early 1970s to begin what today is considered one of the largest orthopedic surgery practices in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of Dr. Ed Dyas' extraordinary accomplishments in sports and in serving mankind, on the occasion of his induction into the Mobile Sports Hall of Fame, we hereby most highly commend Edmund "Ed" Dyas, a native Alabamian in whom we are justly proud, and for whom a copy of this resolution shall be provided.

Approved May 10, 1993

Time: 4:36 P.M.

Act No. 93-420

H.J.R. 426 – Reps. Harvey, Beasley, Biddle, Cagle, Carothers, Carter, Collins, Curry, Dolbare, Freeman, Goodwin, Hall, Hamilton, Haney, Haynes, Hill, Holley, Johnson, Knight (A), Laird, Layson, Lindsey, Mathis, McDaniel, McKee, Melton, Millican,

Morrow, Payne, Powell,
Richardson, Sanderford,
Smith (R), Venable, Walker

HOUSE JOINT RESOLUTION

COMMENDING SOUTHERN LIVING FOR SELECTING THE STATE OF ALABAMA AND BLOUNT SPRINGS IN BLOUNT COUNTY AS THE SITE FOR BUILDING THE 1993 IDEA HOUSE.

WHEREAS, the Legislature of Alabama notes with pride and achievement that the State of Alabama and Blount Springs in Blount County have been selected by Southern Living to build the 1993 Idea House; and

WHEREAS, an Idea House is constructed each year to give focus on the best the "South" offers in housing design and landscaping; and

WHEREAS, this is the first time the State of Alabama has been selected for such an honor; and

WHEREAS, co-sponsored by the American Wood Council, the Idea House will be open to the public May 29 through October 31, 1993, with the expectation of approximately 50,000 visitors; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do heartily commend Southern Living for selecting the State of Alabama and Blount Springs in Blount County as the site for building the 1993 Idea House and that a copy of this resolution be prepared for appropriate presentation and display.

Approved May 10, 1993

Time: 4:37 P.M.

Act No. 93-421

S. 208 – Senators Campbell, Foshee,
Denton, and Barron

AN ACT

To prohibit the enactment by local governmental units of ordinances, resolutions, or rules controlling the amount of rent charged for leasing private property.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act, "local governmental unit" means any political subdivision of this state including, but not limited to, a county, city, town, or municipality, if the political

subdivision provides local government services in a geographically limited area of this state as its primary purpose and it has the power to act primarily on behalf of that area.

Section 2. A local governmental unit shall not enact, maintain, or enforce an ordinance, resolution, or rule that would have the effect of controlling the amount of rent charged for leasing private property. This act does not impair the right of any local governmental unit to manage and control property in which the local governmental unit has a property interest.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 12, 1993

Time: 10:45 A.M.

Act No. 93-422

H. 337 – Rep. Freeman

AN ACT

To provide that contractors performing public works contracts shall receive payment for any additional severance and sales and use taxes incurred as a result of increases in the rate of severance and sales and use taxes imposed during the performance of the contract.

Be It Enacted by the Legislature of Alabama:

Section 1. Any contractor performing a public works contract in which any state, county, or municipal funds are utilized shall be allowed reimbursement for any additional severance and sales and use taxes incurred by the contractor as a result of an increase in the rate of severance and sales and use taxes imposed during the time of performance of the contract. Time of performance shall be the time the contractor submits the bid until completion of the contract.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 12, 1993

Time: 3:15 P.M.

Act No. 93-423

H.J.R. 430 – Rep. Carter

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Thursday, April 29, 1993, they adjourn to meet again on Tuesday, May 4, 1993.

Approved May 13, 1993

Time: 8:30 A.M.

Act No. 93-424

H.J.R. 436 – Rep. Payne

HOUSE JOINT RESOLUTION

DESIGNATING ACT 90-624 OF THE 1990 REGULAR SESSION THE JOHN WALLACE ACT.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act 90-624, H. 570, 1990 Regular Session, now codified as Section 36-29-14, Code of Alabama, is hereby named and shall forever be known as the John Wallace Act.

BE IT FURTHER RESOLVED, That a copy of this resolution be forwarded to Mr. Wallace so that he may be informed of this recognition.

Approved May 13, 1993

Time: 8:31 A.M.

Act No. 93-425

H.J.R. 460 – Reps. Kennedy, Rockhold, Buskey, Clark (W), McMillan, Gaston, Penry, Gullatt, Turner, Harper, Box, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Bugg, Burke, Butler, Cagle, Campbell, Carns, Carothers, Carter,

Clark (J), Clay, Collins, Cosby,
 Crow, Cullins, Curry, Dolbare,
 Drake, Flowers, Ford, Freeman,
 Fuller, Gaines, Goodwin, Hall,
 Hamilton, Hammett, Haney,
 Harvey, Hawkins, Haynes,
 Higginbotham, Hill, Hogan,
 Holladay, Holley, Holmes, Hooper,
 Johnson, Knight (A), Knight (J),
 Kvalheim, Laird, Layson, Letson,
 Lindsey, Mathis, McClain,
 McDaniel, McDowell, McKee,
 Melton, Mikell, Millican, Morrow,
 Morton, Newton (C), Newton (D),
 Parker (P), Parker (T), Payne,
 Perdue, Petelos, Poole, Powell,
 Rich, Richardson, Rogers (F),
 Rogers (J), Sanderford, Sanderson,
 Smith (C), Smith (R), Spratt,
 Starkey, Thomas, Turnham,
 Venable, Walker, Warren, White,
 Williams, Willis

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF MRS. JULIA ARMYNE DOUMIT ZOGHBY OF MOBILE, ALABAMA.

WHEREAS, the Legislature of Alabama grievously records the death of Julia Armyne Doumit Zoghby of Mobile, Alabama, on March 19, 1993; and

WHEREAS, a native of New Orleans, Louisiana, and a former longtime resident of Mobile, Mrs. Zoghby was a graduate of St. Mary's Dominican College in New Orleans; and

WHEREAS, the sister-in-law of our esteemed colleague Representative Mary Zoghby, she was involved in leadership and service with numerous civic, cultural, and educational activities, and contributed generously to the St. Catherine's Catholic Church, where she served as lector and member of its Altar Sadality; she was a member of the Board of Directors of St. Catherine's School and also was very active in the Burse Club of Mobile; and

WHEREAS, Mrs. Julia Zoghby was the wife of Sam Zoghby who preceded her in death; she was indeed a very kind, loving, and compassionate lady whose lamentable death has left an unfathomable void in the hearts of all those whose lives she touched through genuine care and concern; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Julia Armyne Doumit Zoghby, and extend our very deepest sympathy to her children Sam Zoghby, Jr., Julia Mary Zoghby Drey, Michael Zoghby, Kathryn Zoghby Beagle, Robert Zoghby, Eileen Zoghby Wishon, and the Reverend Mr. Paul Zoghby, for whom copies of this resolution shall be provided so that they may know we sincerely share their great and grievous loss.

Approved May 13, 1993

Time: 8:32 A.M.

Act No. 93-426 H.J.R. 463 – Reps. Buskey, Clark (W), Kennedy
HOUSE JOINT RESOLUTION

COMMENDING LAURETTA FREEMAN OF MOBILE, ALABAMA, FOR EXTRAORDINARY ACHIEVEMENT.

WHEREAS, Laretta Freeman, a graduate of Williamson High School and a product of the Mobile Public School System, contributed to Mobile's outstanding athletic achievements as a member of four area basketball championship teams, two state basketball championship teams, two area volleyball championship teams, and two state track and field championship teams at Williamson High School, while maintaining a 3.89 academic average and ranking third in her class; and

WHEREAS, Laretta Freeman continued her athletic career at Auburn University, where she has been a member of Auburn's basketball and track teams for the last four years, receiving a letter in both sports each year; and

WHEREAS, Ms. Freeman, the undisputed leader of the No. 5-ranked, 27-4 Auburn Lady Tigers, averaged a league-best 20 points and 15 rebounds in SEC play; averaged 18.7 points, 14.2 rebounds, 1.6 blocks and 1.5 steals; was ranked first in the SEC in rebounding, second in scoring, fourth in field-goals percentage and fourth in blocks; and was SEC Player of the Month in December 1992, and SEC Player of the Week, February 22, 1993; and

WHEREAS, Ms. Freeman also was Sports Illustrated National Player of the Week, March 31, 1993, 1993 unanimous first-team All-Sec selection, 1992 Auburn Dial Classic Tournament Most

Valuable Player by unanimous vote and became the 15th player in school history to score over 1,000 career points; she further had a career-high 35 points versus Furman, 21 rebounds versus Alabama for the 1992-93 season, and holds the all-time Auburn record for rebounds in a single season which is the oldest standing school record; and

WHEREAS, during the past basketball season, Lauretta was selected one of Auburn's tri captains, due to her outstanding athletic and leadership abilities; she also led the team in scoring and rebounding in 27 of the 31 games they played, and was selected the Southeastern Conference Basketball Player of the Year; and

WHEREAS, Lauretta Freeman consummated her basketball career at Auburn University by being selected to the prestigious Kodak All American Basketball Team, and is the first Mobilian to achieve this honor in basketball; and

WHEREAS, as a member of the Auburn University team, Ms. Freeman is the second best high jumper in the school's history; and

WHEREAS, Ms. Lauretta Freeman is indeed greatly admired and respected by her peers and coaches, and most particularly by our youth, for whom she serves as an exemplary role model; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of her outstanding accomplishments in athletics in Mobile County, Auburn University, and especially at Williamson High School, we hereby most highly commend Ms. Lauretta Freeman, in whom we are justly proud and for whom a copy of this resolution shall be provided.

Approved May 13, 1993

Time: 8:33 A.M.

Act No. 93-427

H.J.R. 465 – Rep. Turnham

HOUSE JOINT RESOLUTION

COMMENDING EVELYN H. WAMBLES UPON THE OCCASION OF HER RETIREMENT.

WHEREAS, the Alabama Legislature notes with special interest the imminent retirement of Evelyn H. Wambles after 30 years of dedicated service to the State of Alabama; and

WHEREAS, Mrs. Wambles began her state service in 1962 with the Department of Public Health and has culminated her career by spending the last 21 years as a valued member of the Executive Budget Office of the Department of Finance; and

WHEREAS, she has performed in an exceptional manner and has displayed a level of conscientiousness, dedication and loyalty that could well serve as a model for any state employee; and

WHEREAS, Mrs. Wambles has also significantly contributed to a positive work environment in each organization in which she has been employed through her wonderful sense of humor, capacity for happiness and generous spirit:

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of her outstanding service to the State of Alabama and upon the occasion of her retirement, we hereby commend Evelyn H. Wambles and direct that she receive a copy of this resolution of sincere regard and best wishes for future success and happiness in life.

Approved May 13, 1993

Time: 8:34 A.M.

Act No. 93-428

H.J.R. 466 – Reps. McMillan, Turner, Penry

HOUSE JOINT RESOLUTION

COMMENDING T. H. "TOM" KELLY, JR., ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, T. H. "Tom" Kelly, Jr., resident of Baldwin County, retired April 1, 1993, following an illustrious forty year forestry career with Scott Paper Company as special project manager of the Wood Division, Manager of the Southeast Timberlands, and resident forester in Choctaw County; and

WHEREAS, under a firm hand of leadership, "Tom" Kelly helped Scott Paper Company become one of the nation's largest exporters of hardwood chips the largest managed logging outfit from Texas to Virginia, and the largest marine fleet operation on the Alabama-Tombigbee Waterways; and

WHEREAS, "Tom" Kelly, known for his keen wit, humorous sayings, and philosophical yarns has earned the respect of numerous conservationists and hunters as the author of several books on turkey hunters and his published articles on the outdoors in general; and

WHEREAS, an Auburn graduate, Mr. Kelly served his nation in the Korean conflict, and prior to his employment with Scott Paper Company, was employed as a sawmill worker, wood dealer, and with the Tennessee Valley Authority; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of a distinguished forestry career which has brought great pride to our state and for his contributions to conservation we most highly commend Mr. T. H. "Tom" Kelly, Jr., on the occasion of his retirement, and further direct that a copy of this resolution be provided Mr. Kelly so that he may know of our high esteem and best wishes.

Approved May 13, 1993

Time: 8:35 A.M.

Act No. 93-429

H.J.R. 468 – Rep. Campbell

HOUSE JOINT RESOLUTION

RELATIVE TO MEETING DAYS

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Wednesday, May 5, 1993, they adjourn to meet again on Thursday, May 6, 1993; when they adjourn on Thursday, May 6, 1993, they adjourn to meet again on Monday, May 17, 1993; and when they adjourn on Monday, May 17, 1993, they adjourn sine die.

Approved May 13, 1993

Time: 8:36 A.M.

Act No. 93-430

H.J.R. 435 – Reprs. Payne, Biddle

HOUSE JOINT RESOLUTION

RECOGNIZING COUNTRY BOY EDDIE AND HAPPY HAL BURNS.

WHEREAS, for many years, Country Boy Eddie and Happy Hal Burns have caused members of their radio and television audience in the Birmingham area to begin their day in a much better

and happier frame of mind than would have been the case had they not started the day tuned in to these two outstanding and uplifting TV and radio personalities; and

WHEREAS, it is the consensus of their many fans that Country Boy Eddie and Happy Hal Burns should be made aware of just how much they mean to their audiences by helping them to begin the day in a better mood, and to help them feel closer to God; and

WHEREAS, the Birmingham City Council, the Mayor of the City of Birmingham, Alabama, Channel 6, and many others, including businesses, who desire to participate will be asked to set aside a date, at the most opportune time, for the purpose of observing a "Country Boy Eddie and Happy Hal Burns Day" in recognition of these two unselfish givers of themselves who have entertained their audiences over these many years, and have helped to begin and make their days a little brighter; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Country Boy Eddie and Happy Hal Burns of Birmingham, Alabama; we do further express support of a "Country Boy Eddie and Happy Hal Burns Day," and direct that copies of this resolution be provided for presentation to these two outstanding radio and TV personalities.

Approved May 13, 1993

Time: 8:37 A.M.

Act No. 93-431

H.J.R. 437 – Reps. McMillan, Penry

HOUSE JOINT RESOLUTION

COMMENDING T. W. MITCHELL FOR OUTSTANDING ACHIEVEMENT AND SERVICE.

WHEREAS, it is with great pleasure that the Alabama Legislature commends T. W. "Bill" Mitchell of Bay Minette, Alabama, on his selection as 1992 Citizen of the Year by the Bay Minette Chamber of Commerce; and

WHEREAS, Bill Mitchell, a longtime resident of Bay Minette, and a highly successful and respected member of the business community, began his career in the dairy business at the age of 16; he joined his father-in-law, E. F. Stuart, in the construction business in 1947 and, following Mr. Stuart's death, incorporated the business as Stuart Construction; and

WHEREAS, over the years, the company has experienced phenomenal growth and now operates in six Southeastern states; its projects include the Mississippi Gulf Coast Coliseum in Biloxi, the Alabama Convention Center in Gulf Shores and, more recently, Island House, a 161-room hotel in Orange Beach, to name but a few; and

WHEREAS, Mr. Mitchell has also been deeply involved in the banking business as a shareholder and original director of First National Bank of Bay Minette, now First Alabama; as a shareholder in Baldwin National Bank, now AmSouth Bank; and as a founding director of SouthTrust Bank of Mobile, later sold to SouthTrust Holding Company; and

WHEREAS, he further has provided leadership to the community in such capacities as a member of the board of trustees of Mobile College, as a member of the Delchamps Board of Directors, and as chairman of the City of Bay Minette Utilities Board; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service, and as 1992 Citizen of the Year, we hereby most highly commend T. W. "Bill" Mitchell of Bay Minette, Alabama, for whom a copy of this resolution shall be provided.

Approved May 13, 1993

Time: 8:38 A.M.

Act No. 93-432

H.J.R. 438 – Reps. McMillan, Penry

HOUSE JOINT RESOLUTION

COMMENDING THE PARTICIPANTS IN LEADERSHIP
BALDWIN COUNTY, 1992-93.

WHEREAS, Leadership Baldwin County is an outstanding program, sponsored by Baldwin County United, whose participants meet to gather and assess information on every aspect of life in Baldwin County and thereby better prepare themselves to make positive contributions as citizens and leaders in their community; and

WHEREAS, the many dedicated participants in Leadership Baldwin County, 1992-93, acting as group problem solvers, focused their attention upon identifying common ground and shared purposes in such areas as growth, the environment, and government

at city, county and state levels, among many other aspects of concern to all residents of Baldwin County; and

WHEREAS, through the development of leadership skills and with emphasis on their civic responsibility, the following participants in Leadership Baldwin County, 1992-93, and residents of the Bay Minette, Gulf Shores, Daphne, Robertsedale, Foley, Fairhope, Magnolia Springs or Ono Island communities are: Jim Robertson, Patti Bodenhamer, Tessie Rider, Annie Horace, Bob Wilters, Pat Stone, John Cox, Tom Williams, Taylor Rider, Leon Hill, Milan Yancy, Brenda Lee, Clifford Clemons, Kaye Manders, Leslie Porterfield, Gregory Strachan, Tim Rossen, Phillip Maddox, Ellen Sparks, Claudene Nichols, Grey Cane, III, Chuck Campbell, Larry Allums, Ned Egbert, Michael Allegri, and George Harris; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding service to Baldwin County, Alabama, we hereby most highly commend the participants in Leadership Baldwin County, 1992-93, for whom copies of this resolution of sincere praise and esteem shall be provided.

Approved May 13, 1993

Time: 8:39 A.M.

Act No. 93-433	H.J.R. 439 – Reps. McMillan, Penry, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Box, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Cosby, Crow, Cullins, Curry, Dolbare, Drake, Flowers, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Hooper, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim,
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Laird, Layson, Letson, Lindsey,
 Mathis, McClain, McDaniel,
 McDowell, McKee, Melton,
 Mikell, Millican, Morrow, Morton,
 Newton (C), Newton (D),
 Parker (P), Parker (T), Payne,
 Perdue, Petelos, Poole, Powell,
 Rich, Richardson, Rockhold,
 Rogers (F), Rogers (J),
 Sanderford, Sanderson,
 Smith (C), Smith (R), Spratt,
 Starkey, Thomas, Turner,
 Turnham, Venable, Walker,
 Warren, White, Williams, Willis,
 Zoghby

HOUSE JOINT RESOLUTION

COMMENDING SAM SPENCER FOR DISTINGUISHED SERVICE TO THE STATE OF ALABAMA.

WHEREAS, in noting the February 1, 1993, retirement of Sam Spencer as assistant director of the State Conservation Department's Game and Fish Division, the Alabama Legislature also notes with highest commendation Mr. Spencer's many invaluable contributions over the course of his 32-year tenure of service; and

WHEREAS, Sam Spencer, who began his career with the division as a district fisheries biologist in Fairhope, and then in Decatur, served five years as assistant fisheries chief in charge of statewide research; he was promoted to chief of the fisheries section in June 1971 and, for the past 11 years, has served in his retirement position; and

WHEREAS, widely known and respected for his contributions to the advancement of Alabama's water quality standards, Mr. Spencer designed, built and tested for use by the fisheries section, the first electro-fishing unit which allows biologists to collect fish for study, and return them to the water, unharmed, within a short period of time; and

WHEREAS, Sam Spencer, additionally, has authored numerous scientific papers and feature articles that have been published in "Alabama Conservation," "Alabama Game and Fish," and other magazines, and as a member of the American Fisheries Society, served on the organization's pollution committee which established guidelines, now used nationwide, to determine monetary value of fish in public waters in instances of fish kills; and

WHEREAS, he further is a member of the Alabama Fisheries Association, Alabama Wildlife Society, Midsouth Aquatic Plant Management Society, Alabama Forestry Council, and the Water Resources Research Advisory Committee; and

WHEREAS, Sam Spencer has indeed been an exemplary public employee who, through dedicated service and commitment, has earned the public's trust, and the highest regard of his peers throughout the country; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding professional achievement and service to the State of Alabama, we hereby commend Sam Spencer on his distinguished career with the State Conservation Department's Game and Fish Division, and do further direct that he receive a copy of this resolution of warmest personal regard.

Approved May 13, 1993

Time: 8:40 A.M.

Act No. 93-434

H.J.R. 448 – Rep. Sanderson

HOUSE JOINT RESOLUTION

DESIGNATING MAY 21, 1993, AS "THE RALPH R. DRESSLER DAY IN ALABAMA."

WHEREAS, the United Commercial Travelers of America was organized in Chicago, Illinois, in 1888 by seven travelling salesmen; and

WHEREAS, the Grand Council of Alabama was chartered in 1912, and has convened annually since that date; this year's annual meeting will be held in Birmingham, Alabama, on May 20-21, 1993, under the guidance and leadership of Grand Counselor, Huey Slay; and

WHEREAS, the Supreme Council will be represented at the annual meeting by Mr. Ralph R. Dressler of Bismarck, North Dakota, who had previously served as Supreme Counselor for 1983-1984; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most cordially welcome Mr. Ralph R. Dressler to Alabama, and in honor of

his visit to our state, we hereby designate Friday, May 21, as "Ralph R. Dressler Day in Alabama."

BE IT FURTHER RESOLVED, That a copy of this resolution be provided Mr. Dressler as evidence of our warmest greeting and high personal regard.

Approved May 13, 1993

Time: 8:41 A.M.

Act No. 93-435 H.J.R. 451 – Reps. McDowell, Spratt, McClain,
Rogers (J), Barnes, Knight (J),
Kennedy, Newton (D)

HOUSE JOINT RESOLUTION

RECOGNIZING THE HUMANISTIC CHALLENGERS CLUB
FOR 40 YEARS OF OUTSTANDING CONTRIBUTIONS AND
ACCOMPLISHMENTS.

WHEREAS, the Humanistic Challengers Club was organized in 1953 in Bessemer, Alabama, under the guidance of Mrs. Ida Logan Gilliam, when five young women between the ages of 18 and 35 were called together and encouraged to collectively use their time and individual talents to develop a vision, and to make a positive difference in society through well-planned goals and objectives; and

WHEREAS, over the years, and as membership grew, the group, with "Lifting As We Climb" as their motto, initiated educational, cultural and civic projects; cultural programs were presented, tutoring programs were instituted, and the club "adopted" children, senior citizens, nursing homes and Abrams Elementary School; and

WHEREAS, the group has also financially supported numerous charities, the Mt. Meigs facility, mental health groups and, most particularly, has aided many young people, especially young girls, by organizing a Junior Girls' Club and sponsoring several others; and

WHEREAS, the club, which remains a viable entity, and which presently includes among its membership local and state officials, attorneys, teachers, and secretaries, among other diverse groups, is affiliated with the Bessemer, Alabama, Southeastern Regional, and the National Associations of Women's Clubs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the Humanistic Challengers Club on 40 years of outstanding contributions and service, and direct that a copy of this resolution be prepared for presentation as a token of our tribute and esteem.

Approved May 13, 1993

Time: 8:42 A.M.

Act No. 93-436

H.J.R. 457 – Reps. Kvalheim, Gaston

HOUSE JOINT RESOLUTION

COMMENDING CHRIS PARK OF MOBILE, ALABAMA, FOR OUTSTANDING ACADEMIC AND ATHLETIC ACHIEVEMENT.

WHEREAS, the Legislature of Alabama, in consensus of commendation, notes the selection of Chris Park of Mobile, Alabama, as the winner of both the Class 3A regional and state Bryant-Jordan Foundation's Outstanding Scholar-Athlete Awards; and

WHEREAS, Chris Park, also one of 70 regional students named to the 1993 Alabama All-State Academic Team, is a senior at St. Paul's Episcopal School where he is president of the St. Paul's Chapter of the National Honor Society and has consistently made the headmaster's academic list and is a National Merit Scholarship finalist; and

WHEREAS, as an outstanding athlete, Chris Park starred as outside linebacker, wingback and running back on his school's football team, and was recognized for the most career tackles at St. Paul's; ran the sprints and 400-meter dash on the track team, and was an All-State hurdler as a junior; played center and guard on the freshman basketball team; and is currently playing third base for the St. Paul's baseball team; and

WHEREAS, among numerous other honors, he is the recipient of the Rotary Club Award for "scholarship, leadership and service" and was named by the Optimist Club as the top scholar-athlete for Mobile County; and

WHEREAS, Chris Park is indeed an extraordinary young man who leads by example, both on and off the field, and he is held in highest regard for his many outstanding achievements; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Chris Park of Mobile, Alabama, and do further direct that he receive a copy of this resolution, executed in sincere praise of his accomplishments, and with warm best wishes for every future success in life.

Approved May 13, 1993

Time: 8:43 A.M.

Act No. 93-437

H.J.R. 453 – Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING THE JOHN T. MORGAN ACADEMY, SELMA, ALABAMA, ON WINNING THE 1992 ALABAMA INDEPENDENT SCHOOL ASSOCIATION 3A STATE FOOTBALL CHAMPIONSHIP.

WHEREAS, it is with great pleasure that the Alabama Legislature extends heartiest congratulations to John T. Morgan Academy on winning the 1992 Alabama Independent School Association 3A State Football Championship; and

WHEREAS, under the talented leadership of Head Coach Robert Gartman, The John T. Morgan Academy compiled a perfect 13-0 record, and scored a total of 402 points to their opponents' total of just 86 points; and

WHEREAS, the football team was spurred on to victory by an energetic cheerleading squad consisting of Ashely Rhyne, Olivia Jones, Laura Lee Carter, Courtney Hopkins, Mandy Cleveland, Julie Moore, Jennifer Edwards, Jessica King, Callen Miller, Beth Bedgood, Amanda Burns, Eady Hull; and their sponsor Jane Singley; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the John T. Morgan Academy 1992 Alabama Independent School Association 3A State Football Champions, and do further direct that copies of this resolution be presented to Head Coach Robert Gartman and each person listed in this resolution.

Approved May 13, 1993

Time: 8:44 A.M.

Act No. 93-438

H.J.R. 454 – Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING THE JOHN T. MORGAN ACADEMY, SELMA, ALABAMA, ON WINNING THE 1992 ALABAMA INDEPENDENT SCHOOL ASSOCIATION 3A STATE FOOTBALL CHAMPIONSHIP.

WHEREAS, it is with great pleasure that the Alabama Legislature extends heartiest congratulations to John T. Morgan Academy on winning the 1992 Alabama Independent School Association 3A State Football Championship; and

WHEREAS, under the talented leadership of Head Coach Robert Gartman, The John T. Morgan Academy compiled a perfect 13-0 record, and scored a total of 402 points to their opponents' total of just 86 points; and

WHEREAS, contributing to the outstanding accomplishments of the 1992 football season were Keith Butler, Steve Porter, Michael Dickinson, DeWayne Bender, Wade Taylor, Tripp Bowie, Wren Burns, Zac Self, Jim Davis, Paul Hansell, William Free, David Powell, Jason Tabor, Crawford Henry, Andy Turner, Jonathan McClendon, Oxford McLaughlin, Spivey Hardy, Brandon Gibbs, Caleb Morris, Jim Brunson, Kory Taylor, Clint Norris, Jess Henderson, Michael Mosely, Joe Labbe, Michael Sanford, Allen Bearden, Bradley Barnes, Gregsby Gibbs, Ken Carmichael, Christian Crane, Terry Gibson, Rusty Henry, Rick Schober, Brad Walton, Robby Kee, Jamie Bender, Chad Lobue, Jason Godwin, and Jamie Cranmore; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the John T. Morgan Academy 1992 Alabama Independent School Association 3A State Football Champions, and do further direct that copies of this resolution be presented to Head Coach Robert Gartman and each person listed in this resolution.

Approved May 13, 1993

Time: 8:45 A.M.

Act No. 93-439

H.J.R. 455 – Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING THE JOHN T. MORGAN ACADEMY, SELMA, ALABAMA, ON WINNING THE 1992 ALABAMA

INDEPENDENT SCHOOL ASSOCIATION 3A STATE FOOTBALL CHAMPIONSHIP.

WHEREAS, it is with great pleasure that the Alabama Legislature extends heartiest congratulations to John T. Morgan Academy on winning the 1992 Alabama Independent School Association 3A State Football Championship; and

WHEREAS, under the talented leadership of Head Coach Robert Gartman, The John T. Morgan Academy compiled a perfect 13-0 record, and scored a total of 402 points to their opponents' total of just 86 points; and

WHEREAS, commendation are in order for the assistant coaches Bobby Samford, Dennis Windle, Tommy Garrett and Rob Robinson, and the managers Michael Blair, Jason Welch, John Brunson, Will Holley, Stephen Mackin, and Lashley Guyton; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend and congratulate the John T. Morgan Academy 1992 Alabama Independent School Association 3A State Football Champions, and do further direct that copies of this resolution be presented to Head Coach Robert Gartman and each person listed in this resolution.

Approved May 13, 1993

Time: 8:46 A.M.

Act No. 93-440

H.J.R. 452 – Rep. Cosby

HOUSE JOINT RESOLUTION

COMMENDING ALBERT MASON, JR., J.C. PENNEY STORES' 1992 CHAIRMAN'S AWARD WINNER.

WHEREAS, it is with great pleasure that the Alabama Legislature most heartily congratulates Albert Mason, Jr., of Selma, Alabama, as the recipient of J.C. Penney's 1992 Chairman's Award; and

WHEREAS, Mr. Mason manages J.C. Penney's Selma store which this year ranked in the top 15 percent of company stores, based on sales and profit productivity per square foot of store space; and

WHEREAS, the Chairman's Award is testament to the fine guidance and leadership Mr. Mason has provided in making the Selma store one of the nation's finest; and

WHEREAS, Mr. Mason joined Selma's J.C. Penney's store in June of 1992 after successfully managing company stores in Miami, Florida; New Orleans, Louisiana; Huntsville, Alabama; and Chattanooga, Tennessee; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement and service to the J.C. Penney Company and the people of Selma, we hereby commend Albert Mason, Jr., for whom a copy of this resolution of sincere commendation shall be provided.

Approved May 13, 1993

Time: 8:47 A.M.

Act No. 93-441 H.J.R. 456 – Reps. Haynes, Johnson, Clark (J)

HOUSE JOINT RESOLUTION

MOURNING THE DEATH OF ASHLEY LEONIDAS CAMP, JR., OF MUNFORD, ALABAMA.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the lamentable death of Ashley Leonidas Camp, Jr., of Munford, Alabama, on March 14, 1993, at the age of 69 years; and

WHEREAS, a prominent Talladega Doctor of Chiropractic and a member of Munford Church of Christ, Ashley L. Camp, Jr., was a United States Army veteran of World War II, and was a member of the American Legion, Veterans of Foreign Wars and Disabled American Veterans; and

WHEREAS, Dr. Camp, a graduate of Palmer School of Chiropractic, also was affiliated with the Alabama State Chiropractic Association, Coosa Valley Chiropractic Society, the American Chiropractic Association, American Council of Orthopedics, the International Council on Chiropractic Industrial Relations, and Patrons of Partlow; and

WHEREAS, in addition to his leadership involvement in professional, civic, and community endeavors, Dr. Camp was a

member of the Alabama House of Representatives from 1958 to 1966, during which tenure he most ably served in the best interests of his Talladega County constituents, and to the good and well-being of the entire State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are grievously saddened by the death of Ashley Leonidas Camp, Jr., of Munford, Alabama, and extend our very deepest sympathy to his beloved wife of some 46 years, Mrs. Leta Mae Knight Camp; to his sons, Ashley L. Camp, III, Cary F. Camp and Bruce A. Camp; and to other family members, whose sorrow we share and for whom a copy of this resolution shall be provided.

Approved May 13, 1993

Time: 8:48 A.M.

Act No. 93-442

S.J.R. 91 – Senator Dixon

SENATE JOINT RESOLUTION

COMMENDING VAUGHN ROAD ELEMENTARY SCHOOL, RECIPIENT OF RED BOOK MAGAZINE'S AMERICA'S BEST SCHOOLS PROJECT AWARD.

WHEREAS, it is with the highest commendation that the Alabama Legislature most heartily congratulates Vaughn Road Elementary School as a winner of Red Book Magazine's America's Best Schools Project Award; and

WHEREAS, the award, given this year to only 177 schools nationwide, is in recognition of a program entitled "Project: CLASS (Cooperative Learning for Achievement and Student Success)"; the program, created by Vaughn Road teacher Sharon Sewell and supported by school principal Dorothy Moore, allows children to choose a class not ordinarily included in the typical school curriculum, exposing students to a wide range of academic and recreational activities; and

WHEREAS, winning an award of this magnitude would not have been possible without the tireless and unselfish support of the teachers, parents, and business leaders of the Montgomery community who have given their time and effort in making Vaughn Road Elementary School a beacon of excellence to our state and our nation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the students, teachers, and parents of Vaughn Road Elementary School on winning Red Book Magazine's America's Best Schools Project Award, an achievement which has brought honor and distinction to our state, and do further direct that copies of this resolution be forwarded to Principal Dorothy Moore and Sharon Sewell for appropriate presentation and school display.

Approved May 13, 1993

Time: 8:49 A.M.

Act No. 93-443

S.J.R. 93 – Senator Bolling

SENATE JOINT RESOLUTION

CONGRATULATING MRS. ELLA HOLLIS RACHEL ON THE OCCASION OF HER 111TH BIRTHDAY.

WHEREAS, it is with special recognition that the Alabama Legislature notes the 111th birthday of Mrs. Ella Hollis Rachel on April 3, 1993; and

WHEREAS, "Miss Ella," as Mrs. Rachel is affectionately known, a native and resident of Sulligent, is the oldest living person in Lamar County and possibly in the State of Alabama, and is the only living child of the 13 children of Phil Hollis, a preacher, and Leatha Watson Hollis, a freed slave at 10 years of age; and

WHEREAS, "Miss Ella" married Charlie Rachel of Kirkland, Georgia, and they were the loving parents of Mrs. Lodell Smith, Thelma Fleming, and Charlie Rachel, Jr., and "Miss Ella," who lost her beloved husband, Charlie, Sr., in 1922, is the proud grandmother of over 25 grandchildren and a host of great- and great-great grandchildren; and

WHEREAS, Ella Hollis Rachel, while rearing her children, worked as a homemaker and farmer and is proud that in her younger days she was one of the fastest cotton pickers around and a good hoe hand; and

WHEREAS, the stately and widely admired matriarch of four generations lives alone, continues to prepare her own meals on a wood cookstove, and is a bright and articulate conversationalist and shares the vignettes of her extraordinary life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join the entire family and community of Sulligent in extending heartiest congratulations to Ella Hollis Rachel on the occasion of her 111th birthday, April 3, 1993.

BE IT FURTHER RESOLVED, That a copy of this resolution be presented to "Miss Ella" that she may know of our congratulations and sincere best wishes for continued good health, much happiness, and joy.

Approved May 13, 1993

Time: 8:50 A.M.

Act No. 93-444

S.J.R. 94 – Senator Waggoner

SENATE JOINT RESOLUTION

COMMENDING MR. LONNIE DANIEL OF HOOVER, ALABAMA.

WHEREAS, Mr. Lonnie Daniel is indeed well suited and qualified as a representative to the Alabama Silver Haired Legislature, which provides a voice for seniors in our state and offers training and experience in the political process; and

WHEREAS, Mr. Daniel brings a wealth of experience and service to the position from a lifetime career of working with and for people as a manager, professional negotiator, convention organizer and editor in the telecommunications industry, and from his years of dedicated service to the citizens of Hoover and most especially on behalf of its senior citizens; and

WHEREAS, a resident of Hoover for more than 18 years, Mr. Daniel has provided leadership and support to numerous civic, service, and religious organizations over the years, including the National Council of Senior Citizens, the Southern Area Democratic Club, the Birmingham Optimist Club, the First Baptist Church of Hoover, United Way, and in the area of public health as President Emeritus of the Central Alabama Coalition for a National Health System; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions and service and as a member of the Silver Haired Legislature, we hereby most highly commend Mr.

Lonnie Daniel of Hoover, Alabama, for whom a copy of this resolution of sincere tribute shall be provided.

Approved May 13, 1993

Time: 8:51 A.M.

Act No. 93-445

S.J.R. 95 – Senator Dial

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF WOODROW B. THRASH OF HEFLIN, ALABAMA.

WHEREAS, it is with profound sorrow that the Legislature of Alabama notes the death of Woodrow B. Thrash on April 6, 1993; and

WHEREAS, Woodrow B. Thrash, a native of Heflin in Cleburne County, was an outstanding Cleburne County Vocational Educator whose contributions to Cleburne County and to his many students were immeasurable; and

WHEREAS, he was an outstanding high school athlete who led his Oxford High School to an undefeated football season which earned him a scholarship to Jacksonville State University, and his leadership skills were carried into every facet of his life; and

WHEREAS, Mr. Thrash earned his degrees in education and vocational education from Florence State Teachers College and Auburn University; and he was a combat engineer and commando in Europe and in the Pacific during World War II; and

WHEREAS, his outstanding teaching career at Cleburne County High School, from 1955 to 1973, earned him the admiration, respect, and love of educators, parents, and children; and, from 1973 until his retirement in 1982, at the Cleburne County Area Vocational School as vocational director, he prepared numerous young people for their livelihoods by his patient and caring concern as well as outstanding vocational educational acumen; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we are deeply saddened by the death of Woodrow B. Thrash of Cleburne County, Alabama, and extend our most heartfelt sympathy to his wife, Edith D. Thrash; his sons, William and Robert Thrash; his daughter, Jayne T. Thrash Fruithurst, and four grandchildren, for whom a copy of this resolution of sincere condolence shall be provided.

Approved May 13, 1993

Time: 8:52 A.M.

Act No. 93-446 S.J.R. 98 – Senators Owens, Smith (B), and Dial

SENATE JOINT RESOLUTION

RECOGNIZING THE HEROIC SERVICE OF THE 182ND FIELD ARTILLERY BATTALION, AND WELCOMING ITS OFFICERS TO ALABAMA FOR THEIR ANNUAL REUNION.

WHEREAS, the 182nd Field Artillery Battalion, formerly a part of the Michigan National Guard, was called to active duty on April 7, 1941, shortly before the United States entered into World War II; they landed in England in 1944, under the command of Lieutenant Colonel Richard H. Moore, and served as a part of the 3rd Army under General George S. Patton at Utah Beach; and

WHEREAS, during a tour of duty which included 106 positions and covered some 1,500 miles, the Battalion fought valiantly in Normandy, Northern France, the Rhineland and Germany, and were awarded 4 campaign stars for their noble efforts; they were serving in Salzburg, Austria at the close of the war in 1945; and

WHEREAS, over the past 20 years, the officers of the 182nd have held annual reunions throughout the United States and once in Europe, and now, for a second time, have chosen Alabama as the site for their 1993 reunion; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it is with sincere pleasure and nostalgia that we recognize and remember the courageous 182nd Field Artillery Battalion and welcome its officers to our state.

BE IT FURTHER RESOLVED, That copies of this resolution be provided for presentation to these officers on the occasion of their reunion in Huntsville, Alabama, in September 1993.

Approved May 13, 1993

Time: 8:53 A.M.

Act No. 93-447 S.J.R. 101 – Senators Bedsole, Floyd, Bennett,
Dial, Ghee, Lindsey, Figures,
Windom and Escott-Russell

SENATE JOINT RESOLUTION

COMMENDING JANE DIFLEY ON OUTSTANDING ACHIEVEMENTS.

WHEREAS, the Senate of the Alabama Legislature is happy to note the election of Jane Difley as president of the Society of American Foresters which has 18,000 members; and

WHEREAS, Jane Difley is not only the first female president of the Society of American Foresters, she also is the first female and the youngest person to be a member of the Society of American Foresters Council; and

WHEREAS, prior to assuming the presidency of the foresters' national organization, Ms. Difley won the respect and admiration of her peers for her broad knowledge of the various programs and problems related to the forestry industry, the environment, wildlife sanctuaries and habitats, and recreational needs; and

WHEREAS, Jane Difley is the vice president of Forestry and Tree Farm for the American Forest Foundation, a program of vital importance nationwide to the forestry industry, especially in Alabama which has one of the largest tree farm programs with 2,700 participants; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most highly commend Ms. Jane Difley on her selection as the first female and youngest person to serve as President of the Society of American Foresters and as a member of the Society of American Foresters Council, and her many other outstanding achievements.

RESOLVED FURTHER, That a copy of this resolution be provided for Ms. Difley as a token of our respect and esteem.

Approved May 13, 1993

Time: 8:54 A.M.

Act No. 93-448

S.J.R. 102 – Senator Bedsole

SENATE JOINT RESOLUTION

CONGRATULATING MR. AND MRS. STEVE VICKERY ON THE BIRTH OF THEIR NEW SON AND DAUGHTER.

WHEREAS, it is with great delight and pleasure that the Legislature of Alabama congratulates Scottie and Steve Vickery of Birmingham, Alabama, on the birth of twins William Christopher Vickery and Katherine Collier Vickery on April 8, 1993; and

WHEREAS, a fine baby boy, William Christopher weighed seven pounds, three ounces at birth and arrived just one minute

ahead of his healthy and beautiful sister, Katherine Collier, who weighed six pounds, seven ounces; and

WHEREAS, we are indeed very proud for Scottie and Steve in their new state of parenthood and sincerely wish that the happiness they now enjoy increases with every passing year as Will and Katie continue to "double their pleasure" throughout life; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Mr. and Mrs. Steve Vickery on the birth of William Christopher and Katherine Collier on April 8, 1993.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Scottie and Steve, along with copies for their children and for grandparents, Nancy and Tharpe Forrester and Marti and Jim Vickery, that they all may know of the happiness we share with them.

Approved May 13, 1993

Time: 8:55 A.M.

Act No. 93-449

S.J.R. 103 – Senator Little

SENATE JOINT RESOLUTION

COMMENDING VANIA CLEMONS AS MISS AUBURN 1993-94.

WHEREAS, the Alabama Legislature, in consensus of commendation, notes the selection of Vania Clemons as Miss Auburn 1993-94; and

WHEREAS, a native of Mobile, Miss Clemons is a senior majoring in electrical engineering, and a member of the National Society of Black Engineers and the Alpha Phi Alpha Sweetheart organization; and

WHEREAS, Miss Clemons, the first black woman to be chosen as Miss Auburn, focused her campaign on unity—on bringing people together and working together, striving to move forward in a time of racial diversity; and

WHEREAS, as the University's official hostess, Miss Clemons, an enchanting and intelligent young lady, will work with the Alumni Association, the SGA, and the student body; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend Vania Clemons of Mobile, Alabama, as 1993-94 Miss Auburn, and direct that she receive a copy of this resolution that she may know of our sincere pride in her accomplishment and warm best wishes for every future success and happiness in life.

Approved May 13, 1993

Time: 8:56 A.M.

Act No. 93-450

S.J.R. 104 – Senator Windom

SENATE JOINT RESOLUTION

COMMENDING DR. BURL T. PATTERSON OF MOBILE, ALABAMA.

WHEREAS, Dr. Burl T. Patterson, who is celebrating his 25th Anniversary with Manor Baptist Church in Mobile, was recently honored by the city when Sunday, March 21, 1993, was proclaimed Dr. Burl T. Patterson Day; and

WHEREAS, Dr. Patterson, who came to Mobile from the First Baptist Church in Beaumont, Mississippi, is a graduate of William Carey College and New Orleans Baptist Theological Seminary, and received his Master's and Doctor of Theology Degrees from Luther Rice Baptist Theological Seminary; and

WHEREAS, over the years of his dedicated ministry, Dr. Patterson, or "Dr. Pat" as he is fondly known, has served mission tours in Australia, Haiti, Idaho, Jamaica, Canada and Mexico; and

WHEREAS, further, he has served as a member of the Board of Associates at William Carey College; as president of the Mobile County Baptist Conference; as district representative for Luther Rice Baptist Theological Seminary; and was listed in Who's Who in Religion in 1975; and

WHEREAS, Dr. Pat, devoted to the needs of others, also has served prison ministries in Mobile, is active in Christian counseling, and frequently stages a drug prevention program in the schools, featuring his horse "Shadow"; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on this occasion of his 25th Anniversary with Manor Baptist Church in Mobile, and

in recognition of his outstanding contributions and service to the ministry, and to the City of Mobile, we hereby most highly commend Dr. Burl T. Patterson, for whom a copy of this resolution shall be provided.

Approved May 13, 1993

Time: 8:57 A.M.

Act No. 93-451

S.J.R. 105 – Senator Denton

SENATE JOINT RESOLUTION

CONGRATULATING THE HELEN KELLER PUBLIC LIBRARY OF TUSCUMBIA, ALABAMA, ON 100 YEARS OF CONTINUOUS SERVICE.

WHEREAS, in February 1891 a small group of Tuscumbia ladies met to organize the “Saturday Evening Club” for the purpose of social interaction and the pursuit of literary research; and

WHEREAS, in a meeting to discuss the future of their organization in November of 1892, the ladies renamed the club “The Helen Keller Library and Literary Association” and established a library to be named “The Helen Keller Public Library of Tuscumbia” in honor of Tuscumbia’s most famous daughter; and

WHEREAS, in 1893, a room at Deshler Female Institute became the temporary home of the new library; and

WHEREAS, on October 13, 1893, former Governor Robert Burns Lindsay, assisted by Judge Fox Delony, secured a charter for The Helen Keller Library and Literary Association in accordance with the statutes of Alabama; and

WHEREAS, The Helen Keller Public Library was Alabama’s first chartered library, and is the state’s oldest library of continuous service; and

WHEREAS, in 1897, the “Old Carriage House,” also known as the “Old Opera House,” was purchased at public auction by the Association for use by the Helen Keller Public Library; the Helen Keller Public Library is now located in a beautiful building on Commons in Tuscumbia, Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition

of outstanding achievement and its many educational and literary contributions over the past 100 years, we hereby most highly commend the Helen Keller Public Library of Tuscumbia, Alabama, and direct that a copy of this resolution be presented to the library for appropriate display and in public acclaim.

Approved May 13, 1993

Time: 8:58 A.M.

Act No. 93-452

S.J.R. 106 – Senators Hale and Dial

SENATE JOINT RESOLUTION

URGING THE ALABAMA DELEGATION OF THE UNITED STATES CONGRESS TO ASSIST AND SUPPORT THE EFFORTS OF THE RUSSIAN GOLOVKINA FAMILY TO REMAIN IN THE UNITED STATES AND BECOME CITIZENS.

WHEREAS, in May 1991 Valentina Golovkina and her ten-year-old daughter, Nastya, arrived in Alabama from the former Soviet Union via Project Little Lamb, a Cullman-based missionary and support group, for medical treatment of Nastya who developed acute lymphocytic leukemia when she was five, after the Chernobyl nuclear plant disaster; and

WHEREAS, in May 1992 the doctors determined that Nastya needed a bone-marrow transplant and her father Arkadi Golovkina, and her sister Olga left their home to join Nastya and her mother in Cullman; and

WHEREAS, during the following year a fund-raising campaign was conducted so that Nastya could have the bone-marrow transplant, but she never received the transplant for a number of reasons, including the difficulty of finding a donor; and

WHEREAS, twelve-year-old Nastya's seven-year battle with leukemia ended April 6, 1993 at Children's Hospital, Birmingham, Alabama, with her parents Arkadi and Valentina Golovkina, and her sister Olga by her side, and she was laid to rest in Cullman City Cemetery, in a city where she was declared an honorary citizen; and

WHEREAS, the Golovkina family came to the United States under a medical visa and have resided in Cullman since their arrival, where they have received overwhelming support from the citizens of Cullman and this state and where they have come to

appreciate and enjoy the freedom and opportunities of a democracy; and

WHEREAS, the Golovkinas gave up everything, including their homes and professions, to be with their daughter, Nastya, and should they be required to return to their homeland, they will face destitution.

WHEREAS, each member of the Golovkina family is trained and experienced in professions that would be compatible and beneficial to the economy of this state and jobs have been made available to each of them in Alabama; and

WHEREAS, the Golovkina family with the support and assistance of the citizens of Cullman and this state are making every effort to remain in the United States and acquire citizenship in this great country; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most respectfully, but strongly urge all members of the Alabama Delegation to the United States Congress to assist in and support the efforts of the Golovkina family to remain in the United States and become citizens.

RESOLVED FURTHER, That copies of this resolution be sent to each member of the Alabama Congressional Delegation.

Approved May 13, 1993

Time: 8:59 A.M.

Act No. 93-453

S.J.R. 107 – Senator Dial

SENATE JOINT RESOLUTION

DESIGNATING THE MAIN COURTROOM IN THE CLAY COUNTY COURTHOUSE AS THE “JUSTICE HUGO L. BLACK COURTROOM.”

WHEREAS, Justice Hugo Black was born on February 27, 1886, in Clay County, Alabama, and began his illustrious career practicing law in Clay County in 1906; and

WHEREAS, he served Alabama in the United States Senate from 1926 until 1937 when he was appointed by President Roosevelt to be an Associate Justice on the Supreme Court of the United States; and

WHEREAS, Justice Black served on the United States Supreme Court from 1937 until 1971, where he became known for his vigorous defense of the freedoms of American citizens guaranteed by the Bill of Rights of the Constitution of the United States; and

WHEREAS, Justice Black loved his native Clay County and credited his own judicial, legal, and political successes and his deep respect for the Constitution to the values instilled in him at an early age by his fellow Clay Countians; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the main Courtroom on the second floor of the Clay County Courthouse be designated the "Justice Hugo L. Black Courtroom," and that a copy of this resolution be placed on display therein.

BE IT FURTHER RESOLVED, That the proper authorities be apprised by copy of this resolution of this honorary designation of the Legislature of Alabama.

Approved May 13, 1993

Time: 9:00 A.M.

Act No. 93-454

S.J.R. 108 – Senators Corbett and Little

SENATE JOINT RESOLUTION

CONGRATULATING WILLIAM M. "BILLY" BEASLEY AS THE NEW OWNER OF TOOMER'S DRUGS IN AUBURN.

WHEREAS, William M. "Billy" Beasley of Clayton, Alabama, has recently become a part of Auburn's tradition as the new owner of Toomer's Drugs, located on legendary Toomer's Corner in Auburn; and

WHEREAS, founded in 1896, and known for the freshly squeezed lemonade, limeade, and other traditional favorites, Toomer's Drugs has long been a popular gathering place both for Auburn students and fans alike; and

WHEREAS, Billy Beasley, a practicing pharmacist and owner of the Louisville Drug Store in Louisville, Alabama, graduated from Auburn's School of Pharmacy in 1962; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby

extend heartiest congratulations to William M. "Billy" Beasley, as the new owner of Toomer's Drugs in Auburn, and direct that he receive a copy of this resolution of sincere personal regard and best wishes for every future success.

Approved May 13, 1993

Time: 9:01 A.M.

Act No. 93-455

S.J.R. 113 – Senators Dial and Mitchell

SENATE JOINT RESOLUTION

COMMENDING THE TROY STATE UNIVERSITY BASKETBALL TEAM.

WHEREAS, the Alabama Legislature extends its heartiest congratulations to Coach Don Maestri and Troy State University on their record-breaking basketball season, a season in which the Trojans achieved the highest ranking in school history, with a second place finish in NCAA Division II; and

WHEREAS, the Trojans posted an impressive 27-5 record, the most wins ever by a Troy State team and the most wins by any college team in the state this year; they scored an amazing 3,566 points for a school record 111.4 points per game; and

WHEREAS, under the brilliant tutelage of Head Coach Don Maestri and assistant coaches David Felix and Jerry Hester, student coaches Andy Davis and Red Calvert, as well as team trainer Bobby Templin, the Troy State Trojans won the South Region Tournament, thus advancing to the "Elite Eight" in Springfield, Massachusetts; and

WHEREAS, special congratulations should go to senior forward and first-team All-American Terry McCord who averaged 24.4 points and 6.6 rebounds per game, along with his talented teammates Tommy Davis, Chris Greasham, Brian Simpson, Fred Bryant, Dandrea Evans, Steve Hunt, Bryant Johnson, Miquill Jones, Brian Saunders, and Chris Williams; and

WHEREAS, the commendable success achieved by these fine athletes has brought honor and distinction to our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition

of outstanding achievement, we hereby most highly commend Coach Don Maestri and the Troy State Trojans on their record-breaking season, and do further direct that copies of this resolution be forwarded to the University for appropriate presentation and display.

Approved May 13, 1993

Time: 9:02 A.M.

Act No. 93-456

S.J.R. 114 – Senator Sanders

SENATE JOINT RESOLUTION

COMMENDING THE LIVINGSTON HIGH SCHOOL COUGARS ON THEIR OUTSTANDING BASKETBALL SEASON.

WHEREAS, the Alabama Legislature most heartily congratulates the Livingston High School Cougars on winning the semi-finalist position of the 1993 Class 4A State Tournament and an all around outstanding record of 23-6; and

WHEREAS, under the talented leadership of Head Coach Kenneth Threadgill and assistants the Cougars have clawed their way to a very successful basketball season winning many honors; and

WHEREAS, greatly contributing to the accomplishments of this 1992-93 spectacular season were Lynwood Bonner, who was selected for the All State Tournament Team, and James Bias, Cleon Kennedy, Harold Pope, Scottie Jones, Rodney Drish, Kelvin Ivory, Kenneth Harris, Lene Freeman, Frederick Wade, Terry Idrell, and Eddie Bell; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding basketball achievement, we most highly commend Coach Kenneth Threadgill, Principal Ms. Lula Larkins, the students, and particularly the Livingston High School Cougars as the 1992-1993 State Class 4A Semi-Finalist in the State Tournament, and do further direct that copies of this resolution be forwarded to Coach Threadgill and Ms. Larkins for appropriate presentation and school display.

Approved May 13, 1993

Time: 9:03 A.M.

Act No. 93-457

S.J.R. 115 – Senator Sanders

SENATE JOINT RESOLUTION

COMMENDING THE SELMA HIGH SCHOOL SAINTS ON AN OUTSTANDING 1993 BASKETBALL SEASON.

WHEREAS, the 1993 basketball season was a thrilling one for the Selma High School Saints, a season of championships and heart-breaking close losses; in the end the Saints had captured the 6A Area Championship, the Substate Championship, and had advanced to the 6A State Playoffs for the third time in four years; and

WHEREAS, the Saints, who finished the season with 18 wins and 11 losses, defeated Carver High School, a team which had beaten them by 30 points two weeks earlier, and Jeff Davis to capture the Area 6 Crown; they beat Auburn and Anniston High Schools for the Substate Championship, before falling to Dothan 76-75 in the first round of the State Class 6A Playoffs; and

WHEREAS, the Selma High School Saints achieved these remarkable accomplishments under the guidance of Head Coach Willie E. Maxey, Jr., who has led his team to the State Playoffs three of the last four years; he was most ably assisted by Coaches Anthony Harris and Willis Wright, III; and

WHEREAS, the team's roster of champions consists of All State Tournament team member Donnie Johnson, along with teammates Byron Evans, Donald Garrett, Antonio Harris, Eric Hyatt, Keith James, Nakia Johnson, Terrance Johnson, Fred Lawrence, Kelvin Lett, Jarrin Lewis, Terrick Maul, William Miller, Marcus Thomas, Demetrius Whitlock, and Horatio Solomon; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of their outstanding accomplishment, we hereby most highly commend Coach Willie E. Maxey, Jr., and the Selma High School Saints, and do further direct that copies of this resolution be forwarded to Superintendent James H. Carter and Principal Fredrick D. Reese for appropriate presentation and display.

Approved May 13, 1993

Time: 9:04 A.M.

Act No. 93-458

S.J.R. 116 – Senator Sanders

SENATE JOINT RESOLUTION

COMMENDING THE DALLAS COUNTY HIGH SCHOOL HORNETS ON THEIR OUTSTANDING BASKETBALL SEASON.

WHEREAS, it is with the highest commendation that the Legislature of Alabama most heartily congratulates the 1993 Dallas County High School Hornets on their outstanding basketball season; and

WHEREAS, the Hornets, who finished the season with an impressive 15 and 10 record, won the Thorsby Invitational Tournament and the 4A Area Regional Championship; and

WHEREAS, amazingly, every one of the Hornets starting five players were placed on the All-Tournament team, with Cedric Dixon winning the most valuable player award; other members of the All-Tournament team are Kendaka Sanders, Kenneth Williams, Tim Williams, and Ronald Gill, along with their talented teammates Maurice Walters, Michael Blevins, Richard Martin, Jerome Houser, Prentice Gutheridge, Michael James, and Charles Johnson; and

WHEREAS, the Hornets achieved their success under the fine leadership of Head Coach Alan Shelton and Assistant Coach Marvin Harris; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we hereby most highly commend Coach Alan Shelton and the Dallas County High School Hornets, and direct that copies of this resolution be forwarded to William E. Griffin, Principal, and Marvin K. Warren, Jr., Superintendent, for appropriate presentation and display.

Approved May 13, 1993

Time: 9:05 A.M.

Act No. 93-459

S.J.R. 117 – Senator Sanders

SENATE JOINT RESOLUTION

COMMENDING THE SOUTHSIDE HIGH SCHOOL PANTHERS BASKETBALL TEAM FOR OUTSTANDING ACHIEVEMENT.

WHEREAS, it is with the highest commendation that the Legislature of Alabama most heartily congratulates the 1993 Southside High School Panthers on their outstanding basketball season; and

WHEREAS, under the brilliant direction of Coach Frankie Peoples and Assistant Coach Jim Parker, the Panthers posted a

fantastic 20 and 9 season, defeating Escambia County High School 62-52 in the State Class 5A Semi-Finals before losing to Wenonah High School of Birmingham; and

WHEREAS, the team's roster of fine athletes consists of All State Tournament player Casey Green, along with teammates Arthur Pickett, Steve Thomas, Eric Shaw, John Small, Donald Lewis, Derrick Hardy, Eric Wilson, Roy Petterson, Greg Jones, Kendrick Sanders, and John Sullivan; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding achievement, we most highly commend Coach Frankie Peoples and the Southside High School Panthers Basketball Team on their successful season, and do further direct that copies of this resolution be forwarded to Superintendent Marvin K. Warren, Jr., and Principal Ollis Grayson, Jr., for appropriate presentation and display.

Approved May 13, 1993

Time: 9:06 A.M.

Act No. 93-460

S.J.R. 120 – Senators Little and Dial

SENATE JOINT RESOLUTION

MOURNING THE DEATH OF WALLACE O. WHALEY.

WHEREAS, it is with deep sadness and regret that the Legislature of Alabama records the death of Mr. Wallace O. Whaley of Roanoke, Randolph County, on April 13, 1993, at the age of 71 years; and

WHEREAS, Wallace O. Whaley, affectionately known as "Tiny," grew up to know first hand the value and reward of hard work, having left home at the age of 15 to join the CCC Camp (Civilian Conservation Corps) to support his family; and went on later to be a successful businessman in the State of Alabama; and

WHEREAS, Wallace O. Whaley was an outstanding American patriot who served his country with courage and distinction in World War II beginning in September, 1942, in the United States Marine Corps and participated in action against the enemy at Saipan, Tinian, the Marianas Islands, and the Bolcano Islands, and was also a member of the first wave that invaded Iwo Jima on February 19, 1945, and continued in action until it was conquered and the American Flag was raised on March 16, 1945; and

WHEREAS, this man's generosity, quick wit, and good humor attracted friends whose number are legion; and

WHEREAS, Wallace O. Whaley was indeed a man of good works, a very honorable man, and a truly distinguished Alabamian who used his talents for the betterment of the citizens of his state and country; and

WHEREAS, the death of Wallace O. Whaley has truly left a void in the life of the community, and in the hearts of his family and many, many friends, and whose life was a blessing and his loss a source of grief to us all; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Wallace O. "Tiny" Whaley and extend deepest sympathy to his wife, Mrs. Jean Knight Whaley, and his children, Judge Wallace Patrick Whaley, Susan Whaley Salatto, Lora Whaley Jones, and Pamela Whaley Daniel, for whom a copy of this resolution shall be provided.

Approved May 13, 1993

Time: 9:07 A.M.

Act No. 93-461

S.J.R. 121 – Senator Waggoner

SENATE JOINT RESOLUTION

CONGRATULATING MARIANTHE GRAMMAS.

WHEREAS, Marianthe Grammas, a senior at Vestavia Hills High School and one of the top girl soccer players in the state and nation, will attend Stanford University where she will play for one of the premier women's soccer programs in the nation; and

WHEREAS, she began playing soccer on all-boy teams in kindergarten, advancing to a girl's league at age 13; and

WHEREAS, she refined her skills on the field, playing four seasons as a goalie, and now plays center forward (striker) at Vestavia Hills; and

WHEREAS, she has played in several out-of-state tournaments, including the prestigious Washington Area Girls Soccer Tournament in Alexandria, Virginia, the largest in the nation; and

WHEREAS, she is an excellent student who maintains a 4.38 grade point average on a 4.0 scale by taking advanced courses; and

WHEREAS, Marianthe Grammas applied to and has been accepted at four of the top universities in the country: Stanford, Vanderbilt, Virginia, and Yale; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we congratulate Marianthe Grammas on her superior athletic and academic achievements, and wish her the best at Stanford University.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Marianthe Grammas.

Approved May 13, 1993

Time: 9:08 A.M.

Act No. 93-462

S.J.R. 122 – Senator Owens

SENATE JOINT RESOLUTION

DESIGNATING THE ROUTE OF THE CAHABA TRACE AS THE CAHABA TRACE OF ALABAMA.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the following route is hereby designated as the Cahaba Trace of Alabama, to wit:

Begin at the Cahaba River bridge in Trussville on Federal Highway 11, then proceed south on Highway 11 to its intersection with Federal Highway 31 in Birmingham; then proceed south on Highway 31 to its intersection with State Highway 150 in Hoover; then proceed west on Highway 150 to its intersection with Jefferson County Road 18 in Bessemer; then proceed south on Road 18. Entering Tuscaloosa County, Road 18 becomes Tuscaloosa County Road 97. Continue south on County Road 97 past Tannehill State Park and enter Bibb County. At the intersection of Bibb County Road 97 and Bibb County Road 27 in the community of Woodstock, proceed south on Bibb County Road 27 to its intersection with State Highway 5; proceed south on Highway 5 to its intersection with County Road 24 in West Blocton; then proceed east on Road 24 over the Cahaba River bridge at Piper to its intersection with Bibb County Road 65; then proceed south on Road 65 to its intersection with State Highway 25; then proceed south on Highway 25 through the cities of Centreville and Brent. In Brent, Highway 25 merges with State Highway 5. Proceed south on Highway 5 to the City of Marion. At the intersection of

Highway 5 and State Highway 14 in Marion, proceed east on Highway 14 to Sprott. Follow Highway 14 south from Sprott and into Dallas County to its intersection with Federal Highway 80; then proceed east on Highway 80 to its intersection with State Highway 22; then proceed south on Highway 22 which is Broad Street in the City of Selma; then continue to follow Highway 22 west out of the City of Selma to its intersection with Dallas County Road 9; then proceed south on Road 9 to its intersection with Dallas County Road 2; then proceed east on Road 2 to its termination at Old Cahawba.

BE IT FURTHER RESOLVED, That the proper officials are hereby authorized to erect and maintain appropriate signs and markers so designating the aforementioned route as the "Cahaba Trace of Alabama."

Approved May 13, 1993

Time: 9:09 A.M.

Act No. 93-463

S.J.R. 125 – Senator Sanders

SENATE JOINT RESOLUTION

RECOGNIZING THE ACCOMPLISHMENTS OF THE GREENE COUNTY CHAPTER II GIFTED/ENRICHMENT PROGRAM.

WHEREAS, it is with highest commendation that the Alabama Legislature recognizes the outstanding accomplishments of the Chapter II Gifted/Enrichment Program in Greene County, Alabama; and

WHEREAS, the Chapter II Program is designed to provide enrichment activities to those eligible students identified as gifted, by expanding on subject matter taught in the regular classroom, developing those skills and qualities needed for maturity and for meeting the challenges of adulthood, and by focusing on subjects of interest to the students; and

WHEREAS, an additional component of the program is student participation in the annual Odyssey of the Mind competition, a creative problem-solving competition, and this year, in the 1993 competition, Greene County students captured regional and state honors, and will represent the state in World Final competition to be held later this year; additionally, they received an "OMER" award for outstanding performance in spontaneous problem solving; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most highly commend the many accomplishments of the Greene County Chapter II Gifted/Enrichment Program, and do further direct that a copy of this resolution be provided for appropriate presentation to Director/Coordinator for the program, Mrs. Inez P. Singleton.

Approved May 13, 1993

Time: 9:10 A.M.

Act No. 93-464

S.J.R. 126 – Senator Sanders

SENATE JOINT RESOLUTION

COMMENDING NORMAN ATKINS, JR., ON OUTSTANDING ACHIEVEMENTS.

WHEREAS, Norman Atkins, Jr., of Eutaw, Alabama, and a junior at Paramount High School in Boligee, Alabama, has many extraordinary accomplishments; and

WHEREAS, the talented and precocious Mr. Atkins has demonstrated his talents as researcher, scientific engineer and developer as a 1989, 1990, 1991, and 1993 finalists in the Alabama State Science and Engineering Fair in microbiology, botany, and zoology, and twice during that time he has won high honors in the International Science and Engineering Fair; he was a participant in the Brookhaven Semester Program National Convention and he has captured many awards in a broad field for his scientific experiments and exhibits; and

WHEREAS, he has earned many other honors including the 1992 recipient of National Science Merit Award and the National Honor Society; he has been a delegate to a multitude of national forums as a research presenter; and he was one of Alabama's 20 minorities selected to attend the 1993 Biomedical Science and Public Health Career Opportunities Symposium, Washington, D.C.; and

WHEREAS, high intelligence, versatile interests, arduous honors of study and experimentation, and dedication have earned Mr. Atkins many coveted awards and honors and his recognition has honored this State; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do most

heartily commend Mr. Norman Atkins, Jr., on his outstanding accomplishments and awards, and particularly his contributions to science, and further we direct that a copy of this resolution be sent to Mr. Atkins and to his parents, Mr. and Mrs. Norman Atkins, Sr., so that they may know of our great pride and commendation of his many achievements, and best wishes for all future endeavors.

Approved May 13, 1993

Time: 9:11 A.M.

Act No. 93-465

S.J.R. 127 – Senators Windom and Denton

SENATE JOINT RESOLUTION

COMMENDING AND EXPRESSING APPRECIATION TO
THE ALABAMA POWER COMPANY EMPLOYEES.

WHEREAS, in consensus of commendation, the Alabama Legislature expresses praise and appreciation to the employees of Alabama Power Company for their extraordinary efforts in the aftermath of the recent snowstorm and sub-freezing conditions; and

WHEREAS, at the peak of the outage, there were 404,206 customers who did not have power; these represent about one-third of all Alabama Power customers; and

WHEREAS, assisted by over 2,300 crew personnel from 13 states, Alabama Power employees worked up to 20-hour shifts per employee; and

WHEREAS, employees of the Power Company, including the service department, line crews, support staff, plant personnel, and management, worked diligently and tirelessly under the most severe weather conditions to restore power to the homes and businesses without service, and to reach customers who were stranded and unable to seek emergency shelter due to downed trees and power lines; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of a job well done, we hereby most highly commend the men and women of Alabama Power Company for their personal sacrifice and exceptional efforts on behalf of the citizens of our state.

BE IT FURTHER RESOLVED, That copies of this resolution of sincere tribute be provided for appropriate presentation to Alabama Power Company.

Approved May 13, 1993

Time: 9:12 A.M.

Act No. 93-466

S.J.R. 128 – Senators Dial and Hill

SENATE JOINT RESOLUTION

NAMING THE “BILL FRANCE BOULEVARD” IN TALLADEGA COUNTY, ALABAMA.

WHEREAS, the late Bill France, whose lamentable death on June 7, 1992, was a grievous loss to the State of Alabama, left an enduring legacy that continues to greatly benefit our state and, most particularly, the Talladega County community where he made many friends who remember him with affection and esteem; and

WHEREAS, shortly after the opening of Alabama International Speedway, Bill France worked tirelessly to develop a motorsports museum—a facility which he believed would most positively affect the local business community by bringing visitors to the area, and which would also serve as a year-round attraction for racing fans and countless others interested in automobiles and motor sports; and

WHEREAS, primarily as a result of his tireless efforts, a legislative act in February 1975 established what is now known as the International Motorsports Hall of Fame; and

WHEREAS, this outstanding facility was considered by Bill France to be his special tribute to the people of Alabama, and it is the desire of this body that the State of Alabama, in turn, pay special tribute to Mr. France in a lasting and meaningful manner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the highway in Talladega County, now known as “Speedway Boulevard,” is hereby named and designated in memory and honor of Bill France, and shall henceforth be known as the “Bill France Boulevard.”

BE IT FURTHER RESOLVED, That the proper officials are herein authorized to erect and maintain appropriate designatory

signs and markers, and also to provide continuing maintenance of said "Bill France Boulevard."

Approved May 13, 1993

Time: 9:13 A.M.

Act No. 93-467

S.J.R. 130 – Senator Langford

SENATE JOINT RESOLUTION

RECOGNIZING HENRY HOLBERT ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, Henry Holbert, a native of Forest, Mississippi, and a veteran of the United States Armed Forces, participated in high school athletics and at Tennessee A & I State College in Nashville where he received a degree in health and physical education in 1948; and

WHEREAS, over a long and illustrious career spanning some 44 years, Mr. Holbert taught and coached at Grenada High School in Grenada, Mississippi, at Prentiss Institute in Prentiss, Mississippi, where he also served as head of the physical education department, and at J. E. Johnson High School, also in Prentiss; and

WHEREAS, Mr. Holbert became head football coach and physical education teacher at Druid High School in Tuscaloosa, Alabama, in 1960, and two years later, joined the Tuskegee Institute coaching staff as an assistant football coach and head baseball coach; in 1963, he accepted a teaching and coaching position at Alabama State College in Montgomery where he became head football coach in 1971, a position he held until 1973, when he returned to Tuskegee Institute, where he remained as assistant professor in the physical education department, and as assistant football coach and head tennis coach until his retirement in December 1992; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That on the occasion of his retirement, and in recognition of his many outstanding contributions, we hereby most highly commend Henry Holbert, for whom a copy of this resolution shall be presented at the gala dinner celebration to be given in his honor on May 14, 1993.

Approved May 13, 1993

Time: 9:14 A.M.

Act No. 93-468

S.J.R. 131 – Senator Lindsey

SENATE JOINT RESOLUTION**MOURNING THE DEATH OF JEAN SPENCER HINDS OF MONTGOMERY, ALABAMA.**

WHEREAS, it is with profound sorrow that the Legislature of Alabama records the lamentable death of Jean Spencer Hinds of Montgomery, Alabama, on May 1, 1993, at the age of 68 years; and

WHEREAS, a native and lifelong resident of Montgomery and an alumna of Randolph-Macon Woman's College, Jean Hinds was an active member, and served as organist for many years, at the Church of the Ascension; and

WHEREAS, she also was a former legislative employee who retired on January 1, 1990, following a dedicated tenure with the Alabama Senate that spanned more than 35 years; and

WHEREAS, many of our current members and the Senate staff remember Jean with great affection and regard, and were always grateful for her on-going contributions to the Senate process, for the quality of her work, and for her loyalty and commitment over the years; and

WHEREAS, the widow of Herbert Hinds, Jr., Jean is survived by a daughter, Jeanie McLain; sons Bob, Bill and Tom Hinds; and by her ten grandchildren, all of whom are sorely bereft in their great and grievous loss; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That even as we mourn, we give thanks for the life of Jean Spencer Hinds of Montgomery, Alabama, and direct that copies of this resolution be provided for her family, whose sorrow we deeply and sincerely share.

Approved May 13, 1993

Time: 9:15 A.M.

Act No. 93-469

S.J.R. 133 – Senator Corbett

SENATE JOINT RESOLUTION**COMMENDING THOMAS WILLIAM PARISH, SR., OF CLAYTON, ALABAMA.**

WHEREAS, it is with great pleasure that the Alabama Legislature recognizes Thomas William Parish, Sr., of Clayton, Alabama, for his lifetime of service to the Clayton and Barbour County community; and

WHEREAS, Thomas William Parish, who was born on March 28, 1908, in Clayton, Alabama, and who celebrated his 85th birthday this year, is a retired farm equipment dealer, and was honored by the Alabama Farm and Power Equipment Dealers Association in 1988 for his dedicated service to the association, and for his service as president in 1969; he also is a former vice president of Clayton Banking Company, and was a longtime member and the youngest member ever to be elected to the Clayton City Council; and

WHEREAS, Mr. Parish, a United States Army veteran and a faithful member of Clayton United Methodist Church, is an active member of the Clayton Rotary Club, Masonic Lodge #10, the Auburn University's Golden Eagle Club, and remains active and involved at the Clayton Record, where his wife, Bertie G. Parish, is editor and publisher; and

WHEREAS, named a Paul Harris Fellow, he is a former member of the Barbour County Democratic Executive Committee, which he served as chairman, and a past Worshipful Master Shriner; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in tribute to outstanding community service and contributions to the Clayton and Barbour County community, we hereby most highly commend Mr. Thomas William Parish, Sr., of Clayton, Alabama, whom we hold in highest personal regard and for whom a copy of this resolution shall be provided.

Approved May 13, 1993

Time: 9:16 A.M.

Act No. 93-470

S.J.R. 92 – Senator Wilson

SENATE JOINT RESOLUTION

DESIGNATING APRIL 25, 1993, AS WORKERS' MEMORIAL DAY.

WHEREAS, the working men and women of this state will honor and remember American workers who have been injured on

the job, permanently disabled, or died due to work-related accidents or exposure to dangerous substances; and

WHEREAS, Workers' Memorial Day is an occasion for all Alabamians to honor those persons who have died or been injured while contributing to the economic vitality of our state and country and pursuing a better quality of life for their families and themselves; and

WHEREAS, the labor and business communities and all Americans should renew and intensify efforts to improve health and safety in all American workplaces so that all workers of this state and country may perform their jobs in a safe and healthy environment; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in honor of those workers in Alabama who have lost their lives or suffered workplace injury or disease, we designate April 25, 1993, as Workers' Memorial Day in the State of Alabama.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the West Alabama Labor Council as an acknowledgement of its efforts in connection with this day of observance and their contributions to our state.

Approved May 13, 1993

Time: 9:17 A.M.

Act No. 93-471

S.J.R. 139 – Senator Denton

SENATE JOINT RESOLUTION

RECOGNIZING WILLIAM B. KENNEDY, JR. ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, it is with sincere tribute that the Alabama Legislature recognizes William B. "Bill" Kennedy Jr. upon his forthcoming retirement, effective August 1, 1993, from a distinguished tenure as vice president of the Mid-Continent Oil and Gas Association; and

WHEREAS, Bill Kennedy, as vice president of the Mid-Continent Oil and Gas Association since 1988, has represented the association in an exceptional and highly professional manner by working diligently with the Alabama Legislature on matters of mutual interest both to the industry and to the state; and

WHEREAS, having a wealth of prior experience with Shell Oil Company, Bill Kennedy was able to bring industry experience to his position of representing firms engaged in the exploration and production of oil and natural gas, transportation and other business interests of the total petroleum industry; and

WHEREAS, Mr. Kennedy, a United States Marine Corps veteran, who achieved the rank of major, was employed with Shell Oil for some thirty-one years in all segments of the company's activities, and held the position of administrative services manager at the company's Odessa, Texas refinery and at the New Orleans Taft Chemical Plant; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That upon the occasion of his retirement, August 1, 1993, and in recognition of outstanding achievement and service, we hereby most highly commend William B. Kennedy, Jr., to whom a copy of this resolution shall be presented, with sincere personal regard and best wishes for every future success and happiness in retirement.

Approved May 13, 1993

Time: 9:19 A.M.

Act No. 93-472

S.J.R. 144 – Senator Sanders

SENATE JOINT RESOLUTION

COMMENDING W. WYATT SHORTER ON THE OCCASION OF HIS RETIREMENT.

WHEREAS, W. Wyatt Shorter, a native of Virginia, attended Virginia Military Institute, and received a Master's degree in pulp and paper technology from the University of Maine; and

WHEREAS, a veteran and officer in the United States Marine Corps, Mr. Shorter served in management positions of Union Camp Corporation for 21 years, including 10 years as Resident Manager of the company's facility in Prattville, Alabama; and

WHEREAS, in a continuation of his accomplished career, Mr. Shorter became president of MacMillan Bloedel Inc. in 1978 and, after serving in that capacity for 15 years, has announced his retirement; and

WHEREAS, Mr. Shorter, a widely acknowledged leader in the business community of Alabama, has served as Chairman of the

Alabama Alliance of Business and Industry, as President of the Alabama Chamber of Commerce, and was a founder and first Chairman of the Alabama Pulp and Paper Council; and

WHEREAS, additionally, Mr. Shorter has extended his endeavors to include community leadership and involvement in numerous civic and charitable organizations, and has provided support to many programs and projects to the benefit and well-being of the citizens of the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition and with deep appreciation, we hereby commend W. Wyatt Shorter for his longtime and on-going contributions to the business, social and public welfare of Alabama, and do further direct that he receive a copy of this resolution, with best wishes for many happy years of retirement with his family.

Approved May 13, 1993

Time: 9:18 A.M.

Act No. 93-473

H.J.R. 472 – Rep. Turnham

HOUSE JOINT RESOLUTION

COMMENDING J. HERBERT WHITE FOR OUTSTANDING SERVICE TO AUBURN UNIVERSITY.

WHEREAS, it is with great pleasure that the Alabama Legislature commends J. Herbert White for his many years of dedicated service as Executive Director of University Relations at Auburn University; and

WHEREAS, Mr. White, a native of Enterprise, was named Director of University Relations at Auburn in 1965 and, throughout his tenure, has most ably supervised the university's public relations program; and

WHEREAS, he has also served as the university's representative with state government and as liaison with the State Legislature from 1966 to 1980, during which time Auburn's appropriations increased from \$12 million to \$70 million and state funds were made available for Draughon Library, Eaves-Memorial Coliseum, Dudley Hall, the Pharmacy Building and Haley Center; and

WHEREAS, a graduate of Auburn University, Mr. White served with the Corps of Engineers, in private industry, and as field secretary of the Auburn Alumni Association, prior to assuming his present position at the university; and

WHEREAS, Mr. White has further provided leadership and support to numerous organizations, including the Alabama Public Relations Association, ACPRA, and the National Association of State University and Land-Grant Colleges, and is a member of such professional organizations as the Public Relations Society of America, and the Alabama Press and Broadcasting Associations, among others; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of outstanding contributions and service to Auburn University, we hereby most highly commend J. Herbert White, for whom a copy of this resolution of sincere tribute shall be provided.

Approved May 13, 1993

Time: 9:20 A.M.

Act No. 93-474

H.J.R. 449 – Reps. Flowers, Cosby, Anderson, Barnes, Beasley, Biddle, Black (L), Black (M), Blakeney, Bowling, Bryant, Bugg, Burke, Buskey, Butler, Cagle, Campbell, Carns, Carothers, Carter, Clark (J), Clark (W), Clay, Collins, Crow, Cullins, Curry, Dolbare, Drake, Ford, Freeman, Fuller, Gaines, Gaston, Goodwin, Gullatt, Hall, Hamilton, Hammett, Haney, Harper, Harvey, Hawkins, Haynes, Higginbotham, Hill, Hogan, Holladay, Holley, Holmes, Johnson, Kennedy, Knight (A), Knight (J), Kvalheim, Laird, Layson, Letson, Lindsey, Mathis, McClain, McDaniel, McDowell, McKee, McMillan, Melton, Mikell, Millican, Morrow, Morton, Newton (C), Newton (D), Parker (P), Parker (T), Payne, Penry, Perdue, Petelos, Poole, Powell, Rich, Richardson, Rockhold, Rogers (F), Rogers (J), Sanderford, Sanderson, Smith (C), Smith (R), Spratt,

Starkey, Thomas, Turner,
Turnham, Venable, Walker,
Warren, White, Williams,
Willis, Zoghby

HOUSE JOINT RESOLUTION

COMMENDING STATE REPRESENTATIVE PERRY HOOPER, JR., ON SECURING THE AMERICAN LEGISLATIVE EXCHANGE COUNCIL'S NATIONAL LEADERSHIP SUMMIT TO ALABAMA.

WHEREAS, it is with great appreciation that the Alabama Legislature most heartily commends State Representative Perry Hooper, Jr., for his instrumentality in bringing the American Legislative Exchange Council's National Leadership Summit to Alabama on April 24-27, at the Perdido Beach Resort, Orange Beach, Alabama; and

WHEREAS, the summit provided an excellent opportunity to showcase the natural beauty and splendor of our state to several hundred Legislators, business leaders, and corporate executives from across the nation, and was only possible through the extraordinary efforts of our own Perry Hooper, whose organizational skills and fund-raising abilities resulted in securing this important event for the State of Alabama; and

WHEREAS, as chairman of the American Legislative Council for Alabama, Representative Hooper is one of its most respected leaders, and his many successes shine a bright and positive light upon our state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in recognition of his deep commitment and service to our state, we hereby most highly commend our colleague Perry Hooper, Jr., for whom a copy of this resolution of highest personal regard shall be provided.

Approved May 13, 1993

Time: 9:21 A.M.

Act No. 93-475

H.J.R. 470 – Rep. Kennedy

HOUSE JOINT RESOLUTION

COMMENDING THE REVEREND CLEVELAND MCFARLAND, JR., PASTOR OF ST. PETER MISSIONARY CHURCH, MOBILE, ALABAMA.

WHEREAS, a native of Columbus, Mississippi, and a former resident of Detroit, Michigan, the Reverend Cleveland McFarland, Jr., serves as pastor of St. Peter Missionary Baptist Church in Mobile, where he and his wife, Sis. Vicki Renee Holland McFarland, will be honorees at the Fourth Year Appreciation event in celebration of devoted leadership and service to their church; and

WHEREAS, "A Man Charged By God to Teach and Preach the Gospel," Reverend McFarland was called into the ministry at the early age of 15 years, preaching his trial sermon at Center Ridge Baptist Church in DeSoto, Mississippi; and

WHEREAS, Reverend McFarland, who faithfully served joint pastorates at St. Mariah Baptist Church in Melvin, Alabama (1978-1989), and Mt. Pleasant Baptist Church, Sanderville, Mississippi (1980-1989), enrolled at Selma University in 1986 and received a Bachelor of Arts in Religion in 1990, during which period he continued to demonstrate the same strong leadership abilities of his youth, and an unswerving commitment to service in Christ that is above all earthly things; and

WHEREAS, as teacher and preacher of the Gospel of Christ, and throughout his ministry, Reverend McFarland has responded to his "calling" by providing spiritual leadership and guidance to his church flocks, and as pastor of St. Peter, has built and fostered friendship, fellowship, and love with his members and fellow churches in the Mobile area, and it is with admiration and praise that we commend his ministry and his accomplishments through Christ Jesus; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with St. Peter Missionary Baptist Church of Mobile in celebrating the dedicated Christian service and commitment of the Reverend Cleveland McFarland, Jr., and extend our best wishes to Reverend McFarland and his wife, Vicki; to their children, Clevetta and Cleveland, III; and to Saint Peter Missionary Baptist Church, for whom copies of this resolution shall be provided.

Approved May 13, 1993

Time: 9:22 A.M.

Act No. 93-476

H. 413 – Rep. Harper

AN ACT

To make a supplemental appropriation from the Alabama Special Educational Trust Fund to the Department of Youth Services for the fiscal year ending September 30, 1993.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from the Alabama Special Educational Trust Fund to the Department of Youth Services \$212,373 for the fiscal year ending September 30, 1993. Of the amount appropriated herein, \$50,000 shall be expended for capital outlay. This appropriation shall be in addition to any and all other funds appropriated to the Department.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 1:35 P.M.

Act No. 93-477

H. 263 – Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Alabama's Young Woman of the Year Program for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1994, there is hereby appropriated to the Alabama's Young Woman of the Year Program from the State General Fund the sum of Sixteen thousand four hundred ninety-five dollars (\$16,495).

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1993-94, an operations plan for fiscal year 1993-94 and an audited financial statement for all operations during fiscal year 1991-92 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1993-94 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1993.

Approved May 13, 1993

Time: 1:36 P.M.

Act No. 93-478

H. 248 – Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Lighthouse Counseling Center for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1994, there is hereby appropriated to the Lighthouse Counseling Center from the State General Fund the sum of \$20,000.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1993-94, an operations plan for fiscal year 1993-94 and an audited financial statement for all operations during fiscal year 1991-92 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1993-94 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1993.

Approved May 13, 1993

Time: 1:37 P.M.

Act No. 93-479

H. 335 – Reps. Harper, Fuller

AN ACT

To provide a certain cost of living increase in pension benefits to certain members and certain beneficiaries of members of the teachers' and employees' retirement systems; to provide funding for the increase; and to provide that no person shall be entitled to receive the increase in benefits granted in this act if receipt of the increase would jeopardize the eligibility of a person to receive Medicaid benefits.

Be It Enacted by the Legislature of Alabama:

Section 1. There is provided to each person currently receiving benefits whose effective date of retirement was prior to October 1, 1992, for purposes of receiving benefits from the Teachers' Retirement System, and to certain beneficiaries of deceased members and deceased retirees currently receiving survivor benefits, if the effective date of retirement or death for the deceased retirees or deceased member was prior to October 1, 1992, for purposes of receiving benefits from the Teachers' Retirement System, a cost of living increase as follows:

(1) 1.28 percent of the current gross benefit paid to the retiree and to certain beneficiaries of deceased members and deceased retirees.

(2) One dollar and twenty-eight cents (\$1.28) per month for each year of service attained by the retiree for each retiree selecting the maximum retirement allowance or option one.

(3) One dollar and twenty-eight cents (\$1.28) per month for each year of service attained by the retiree reduced by the retiree's

option election factor for each retiree selecting options two, three, or four.

(4) One dollar and twenty-eight cents (\$1.28) per month for each year of service attained by the deceased member or deceased retiree reduced by the survivor's option factor for each beneficiary receiving monthly benefits from the Teachers' Retirement System.

(5) One dollar and twenty-eight cents (\$1.28) per month for each year of retirement attained by the retiree for each retiree selecting the maximum retirement allowance or option one.

(6) One dollar and twenty-eight cents (\$1.28) per month for each year of retirement attained by the retiree reduced by the retiree's option election factor for each retiree selecting options two, three, or four.

(7) One dollar and twenty-eight cents (\$1.28) per month for each year of retirement attained by the deceased member or deceased retiree reduced by the survivor's option factor for each beneficiary receiving monthly benefits from the Teachers' Retirement System.

Section 2. (a) Commencing October 1, 1993, there is provided to certain persons identified in subsection (b) of this section who are currently receiving benefits, whose effective date of retirement was prior to October 1, 1992, for purposes of receiving benefits from the Employees' Retirement System, and to certain beneficiaries of deceased members and deceased retirees who are currently receiving survivor benefits if the effective date of retirement or death for the deceased member or retiree was prior to October 1, 1992, for purposes of receiving benefits from the Employees' Retirement System, a cost of living increase as follows:

(1) 1.28 percent of the current gross benefit paid to the retiree and to certain beneficiaries of deceased members and deceased retirees.

(2) One dollar and twenty-eight cents (\$1.28) per month for each year of service attained by the retiree for each retiree selecting the maximum retirement allowance or option one.

(3) One dollar and twenty-eight cents (\$1.28) per month for each year of service attained by the retiree reduced by the retiree's option election factor for each retiree selecting options two, three, or four.

(4) One dollar and twenty-eight cents (\$1.28) per month for each year of service attained by the deceased member or deceased retiree reduced by the survivor's option factor for each beneficiary receiving monthly benefits from the Employees' Retirement System.

(5) One dollar and twenty-eight cents (\$1.28) per month for each year of retirement attained by the retiree and certain beneficiaries of deceased members and deceased retirees.

(6) One dollar and twenty-eight cents (\$1.28) per month for each year of retirement attained by the retiree reduced by the retirees option election factor for each retiree selecting options two, three, or four.

(7) One dollar and twenty-eight cents (\$1.28) per month for each year of retirement attained by the deceased member or deceased retiree reduced by the survivor's option factor for each beneficiary receiving monthly benefits from the Employees' Retirement System.

(b) The benefits provided in this section are limited to those retirees whose participation in the Employees' Retirement System was based on Section 36-27-6, Code of Alabama 1975, and whose employer at the time of retirement was a local board of education or a state supported institution of higher education. The benefits granted in this act shall not apply to any other participants in the Employees' Retirement System.

Section 3. (a) There is appropriated from the Alabama Special Educational Trust Fund to the Teachers' Retirement System of Alabama twenty million, six hundred and ten thousand, six hundred and forty-four dollars (\$20,610,644) for the fiscal year beginning October 1, 1993.

(b) There is appropriated from the Alabama Special Educational Trust Fund to the Employees' Retirement System thirty eight thousand, three hundred and twenty dollars (\$38,320) for the fiscal year beginning October 1, 1993, to partially defray the costs of this section as they relate to retired employees of local boards of education and state institutions of higher education who are retired under the Employees' Retirement System.

(c) Subsequent appropriations to the teachers' and employees' retirement systems shall be reduced to the amounts necessary to fund the increases in benefits provided in Sections 1 and 2 of this act in the fiscal years that the Legislature funds the cost of the increases.

Section 4. Any person who receives benefits under the Medicaid program and whose eligibility for the benefits would be impaired by the cost of living increase provided by this act shall not be entitled to receive the increase. Any person who shall subsequently apply for benefits under the Medicaid program and have his or her eligibility to receive benefits impaired by the cost of living increase provided by this act, shall not be entitled to receive

the increase subsequent to the date that the member files application for benefits under the Medicaid program.

Section 5. This act is supplemental. It shall be construed in pari materia with other laws regulating and providing for the payment of retirement benefits to certain retired members of the Teachers' Retirement System and certain retired members of the Employees' Retirement System. Notwithstanding the forgoing, those laws or parts of laws which are in direct conflict with this act are repealed.

Section 6. This act shall become effective October 1, 1993, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 1:38 P.M.

Act No. 93-480

H. 238 – Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Alabama Council on Child Abuse, Inc. for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1994, there is hereby appropriated to the Alabama Council on Child Abuse, Inc. from the State General Fund the sum of \$116,509.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1993-94, an operations plan for fiscal year 1993-94 and an audited financial statement for all operations during fiscal year 1991-92 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1993-94 funds following receipt of these reports.

Section 3. This act shall become effective October 1, 1993.

Approved May 13, 1993

Time: 1:39 P.M.

Act No. 93-481

H. 194 – Reps. McDowell, Rogers (J), McClain, Barnes, Campbell, Kennedy, Buskey, Clark (W), Holmes, Thomas, Fuller,

Melton, Bryant, Black (L), Carothers,
Haynes, Laird, Dolbare, Clark (J)

AN ACT

To make an appropriation from the State General Fund to the Alabama Kidney Foundation Incorporated, for the fiscal year ending September 30, 1994, and to require an operation plan and audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For fiscal year ending September 30, 1994, there is hereby appropriated to the Alabama Kidney Foundation from the State General Fund the sum of \$300,000.

Section 2. The above appropriation of \$300,000 shall be used for the transportation of dialysis and transplant patients. In addition to the above appropriation there is hereby appropriated the sum of \$50,000 from the State General Fund to be conditioned on availability of funds in the State General Fund, the recommendation of the Finance Director and the approval of the Governor. The conditional appropriation, if released, shall be used solely for the same purposes as the absolute appropriation. None of the funds appropriated in this act shall be used for administrative purposes.

Section 3. Prior to release of any funds appropriated under this bill for fiscal year 1993-94, an operations plan for fiscal year 1993-94 and an audited financial statement for all operations during fiscal year 1992-93 must be forwarded to the Director of the Department of Finance.

Section 4. This act shall become effective October 1, 1993, after its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 13, 1993

Time: 1:40 P.M.

Act No. 93-482

H. 233 – Rep. Harper

AN ACT

To make an appropriation from the State General Fund to the Coalition Against Domestic Violence for the fiscal year ending September 30, 1994, and to require an operations plan and an audited financial statement prior to release of any funds.

Be It Enacted by the Legislature of Alabama:

Section 1. For the fiscal year ending September 30, 1994, there is hereby appropriated to the Coalition Against Domestic Violence from the State General Fund the sum of \$349,112.

Section 2. Prior to release of any funds appropriated under this bill for fiscal year 1993-94, an operations plan for fiscal year 1993-94 and an audited financial statement for all operations during fiscal year 1991-92 must be forwarded to the Director of Finance. It is the intent to release fiscal year 1993-94 funds following receipt of these reports.

Section 3. This Act shall become effective October 1, 1993.

Approved May 13, 1993

Time: 1:41 P.M.

Act No. 93-483

H. 914 – Reps. Kvalheim, Zoghby, Harper,
Buskey, Clark (W)

AN ACT

Relating to Mobile County; relating to alcoholic beverages and the sale of wine in Mobile County; to provide for business relations between suppliers and wholesalers of wine; to require written agreements setting forth in full the suppliers agreement with the wholesaler, and designating a specific exclusive sales territory; to provide for prohibited acts by the supplier and by the wholesaler; to provide for conditions of amendment, modification, resignation, cancellation, termination, failure to renew, or refusal to continue the agreement; to provide for the transfer of wholesaler's business, for the establishment of nondiscriminatory, material, and reasonable qualifications and standards by supplier, and prohibit interference with the transfer upon compliance with those standards; to provide for reasonable compensation upon supplier's violation of the act, including a method of voluntary arbitration; to provide for civil actions for violations, damages, and venue; to provide for the burden; to provide that the wholesaler may not waive rights set forth in this act; to provide that the act relates to existing and future agreements, transferee of wholesaler under written agreement, and supplier's successor; and to provide that this act is cumulative.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be operative only in Mobile County.

Section 2. The legislative intent and purpose of this act is to provide a structure for the business relations between a wholesaler and a supplier of wine in Mobile County. Regulation in this area within the county is considered necessary for the following reasons:

(a) To maintain stability and healthy competition in the wine industry in Mobile County.

(b) To provide and maintain a sound, stable, and viable 3-tier system of distribution of wine to the public in Mobile County.

(c) To promote the public health, safety, and welfare.

Section 3. (a) The following words or phrases, or the plural thereof, whenever they appear in this act, unless the context clearly requires otherwise, shall have the meaning ascribed to them in this section:

(1) **AGREEMENT.** Any agreement between a wholesaler and a supplier, whether oral or written, whereby a wholesaler is granted the right to purchase and sell a brand or brands of wine sold by a supplier.

(2) **ANCILLARY BUSINESS.** A business owned by a wholesaler, or by a substantial partner of a wholesaler, the primary business of which is directly related to the transporting, storing, or marketing of the brand or brands of wine of a supplier with whom the wholesaler has an agreement; or a business owned by a wholesaler, a substantial stockholder of a wholesaler, or a substantial partner of a wholesaler which recycles empty beverage containers.

(3) **DESIGNATED MEMBER.** The spouse, child, grandchild, parent, brother, or sister of a deceased individual who owned an interest, including a controlling interest, in a wholesaler; or any person who inherits the deceased individual's ownership interest in the wholesaler under the terms of the deceased individual's will, or under the laws of intestate succession of this state; or any person who or entity which has otherwise by designation in writing by the deceased individual, succeeded the deceased individual in the wholesaler's business, or has succeeded to the deceased individual's ownership interest in the wholesaler pursuant to a written contract or instrument; and also includes the appointed and qualified personal representative and the testamentary trustee of a deceased individual owning an ownership interest in a wholesaler. Designated member also includes a person appointed by the court as the guardian or conservator of the property of an incapacitated individual owning an ownership interest in a wholesaler.

(4) **GOOD FAITH.** Honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade, as defined in and interpreted under the Uniform Commercial Code, Section 7-2-103 of the Code of Alabama 1975.

(5) **REASONABLE QUALIFICATIONS.** The standard of the reasonable criteria established and consistently used by the respective supplier for Alabama wholesalers that entered into, continued, or renewed an agreement with the supplier during a period of 24 months prior to the proposed transfer of the wholesaler's business, or

for Alabama wholesalers who have changed managers or designated managers during a period of 24 months prior to the proposed change in manager or successor manager of the wholesaler's business.

(6) **RETALIATORY ACTION.** Includes, but is not limited to, the refusal to continue an agreement, or a material reduction in the quality of service or in the quantity of products available to a wholesaler under an agreement, which refusal or reduction is not made in good faith.

(7) **SALES TERRITORY.** An area of exclusive sales responsibility for the brand or brands of wine sold by a supplier as designated by an agreement.

(8) **SUBSTANTIAL STOCKHOLDER OR SUBSTANTIAL PARTNER.** A stockholder of or partner in the wholesaler who owns an interest of 25 percent or more of the partnership or of the capital stock of a corporate wholesaler.

(9) **SUPPLIER.** A manufacturer or importer of wine licensed by the board.

(10) **TRANSFER OF WHOLESALER'S BUSINESS.** The voluntary sale, assignment, or other transfer of all or control of the business or all or substantially all of the assets of the wholesaler, or all or control of the capital stock of the wholesaler, including without limitation the sale or other transfer of capital stock or assets by merger, consolidation, or dissolution, or of the capital stock of the parent corporation, or of the capital stock or beneficial ownership of any other entity owning or controlling the wholesaler.

(11) **WHOLESALER.** A wholesaler of wine licensed by the board.

(b) Other words or phrases used in this act shall have the meanings ascribed to them in Section 28-3-1 of the Code of Alabama 1975, as amended, and any acts amendatory thereof, supplementary thereto, or substituted therefor, unless the context clearly requires otherwise.

Section 4. Each supplier of wine licensed by the board authorizing such licensee to sell its wine within the State of Alabama shall sell its wine through wholesaler licensees of the board and shall grant in writing to each of its wholesalers an exclusive sales territory in accordance with the provision of Act. No. 84-374 (Acts 1984), appearing as Chapter 8, Title 28 of the Code of Alabama 1975, as amended.

Section 5. A supplier is prohibited from doing the following:

(a) Fail to provide each wholesaler of the supplier's brand or brands with a written agreement which contains in total the

supplier's agreement with each wholesaler, and designates a specific exclusive sales territory. Any agreement which is in existence on the effective date of this act shall be renewed consistent with this act; provided, that this act may be incorporated by reference in the agreement. Provided, however, nothing contained herein shall prevent a supplier from appointing, one time for a period not to exceed 90 days, a wholesaler to temporarily service a sales territory not designated to another wholesaler, until such time as a wholesaler is appointed by the supplier; and such wholesaler who is designated to service the sales territory during this period of temporary service shall not be in violation of the act, and, with respect to the temporary service territory, shall not have any of the rights provided under Sections 7 and 9 of this act.

(b) Fix, maintain, or establish the price at which a wholesaler shall sell any wine.

(c) Enter into an additional agreement with any other wholesaler for, or to sell to any other wholesaler, the same brand or brands of wine in the same territory or any portion thereof, or to sell directly to any retailer in this state.

(d) Coerce, or attempt to coerce, any wholesaler to accept delivery of any wine, or other commodity which has not been ordered by the wholesaler. Provided, however, a supplier may impose reasonable inventory requirements upon a wholesaler if the requirements are made in good faith and are generally applied to other similarly situated wholesalers having an agreement with the supplier.

(e) Coerce, or attempt to coerce, any wholesaler to accept delivery of any wine, or other commodity ordered by a wholesaler if the order was cancelled by the wholesaler.

(f) Coerce, or attempt to coerce, any wholesaler to do any illegal act or to violate any law or any regulation by threatening to amend, modify, cancel, terminate, or refuse to review any agreement existing between the supplier and wholesaler.

(g) Require a wholesaler to assent to any condition, stipulation, or provision limiting the wholesaler's right to sell the brand or brands of wine or other products of any other supplier unless the acquisition of the brand or brands or products of another supplier would materially impair or adversely affect the wholesaler's quality of service, sales, or ability to compete effectively in representing the brand or brands of the supplier presently being sold by the wholesaler. The supplier shall have the burden of proving that such acquisition of such other brand or brands or products would have such effect.

(h) Require a wholesaler to purchase one or more brands of wine or other products in order for the wholesaler to purchase

another brand or brands of wine for any reason. Provided, however, the wholesaler has agreed to distribute a brand or brands before the effective date of this act shall continue to distribute the brand or brands in conformance with this act.

(i) Request a wholesaler to submit audited profit and loss statements, balance sheets, or financial records as a condition of renewal or continuation of an agreement.

(j) Withhold delivery of wine ordered by a wholesaler, or change a wholesaler's quota of a brand or brands if the withholding or change is not made in good faith.

(k) Require a wholesaler by any means directly to participate in or contribute to any local or national advertising fund controlled directly or indirectly by a supplier.

(l) Take any retaliatory action against a wholesaler that files a complaint regarding an alleged violation by the supplier of federal, state, or local law or an administrative rule.

(m) Require or prohibit, without just and reasonable cause, any change in the manager or successor manager of any wholesaler who has been approved by the supplier as of or subsequent to the effective date of this act. Should a wholesaler change an approved manager or successor manager, a supplier shall not require or prohibit the change unless the person selected by the wholesaler fails to meet the nondiscriminatory, material, and reasonable standards and qualifications for managers of Alabama wholesalers of the supplier, which standards and qualifications previously have been consistently applied to Alabama wholesalers by the supplier. Provided, however, the supplier shall have the burden of proving that such person fails to meet such standards and qualifications which are nondiscriminatory, material, and reasonable and have been consistently applied to Alabama wholesalers.

(n) Upon written notice of intent to transfer the wholesaler's business, interfere with, prevent, or unreasonably delay (not to exceed 30 days) the transfer of the wholesaler's business if the proposed transferee is a designated member.

(o) Upon written notice of intent to transfer the wholesaler's business other than to a designated member, withhold consent to or approval of, or unreasonably delay (not to exceed 30 days after receipt of all material information reasonably requested) a response to a request by the wholesaler for, any transfer of a wholesaler's business if the proposed transferee meets the nondiscriminatory, material, and reasonable qualifications and standards required by the supplier for Alabama wholesalers. Provided, however, the supplier shall meet the burden of proving that the

proposed transferee does not meet such standards and qualifications which are nondiscriminatory, material, and reasonable and have been consistently applied to Alabama wholesalers.

(p) Restrict or inhibit, directly or indirectly, the right of free association among wholesalers for any lawful purpose.

Section 6. A wholesaler is prohibited from doing the following:

(a) Fail to devote reasonable efforts and resources, within supplier's designated sales territory, to the sale and distribution of all the supplier's brands of wine which the wholesaler has been granted the right to sell or distribute.

(b) Sell or deliver wine to a retail licensee located outside the sales territory designated to the wholesaler by the supplier of a particular brand or brands of wine. Provided, however, during periods of temporary service interruptions impacting a particular sales territory, a wholesaler who normally services the impacted sales territory shall file with the board and give to the affected supplier written notice designating the specific licensed wholesaler or wholesalers, not disapproved by the supplier, who will service the sale territory during the period of temporary service interruption and the approximate length of time for the service interruption. Each wholesaler designated to temporarily service the sales territory shall be a wholesaler who has a current written agreement with the supplier for the brand or brands affected. When the temporary service interruption is over, the wholesaler who normally services the sales territory shall notify in writing the board, the supplier, and the wholesaler, or wholesalers, servicing the sales territory on a temporary basis of this fact, and any wholesaler servicing the sales territory on a temporary basis shall cease servicing the sales territory upon receipt of notice. A wholesaler who is designated to service the impacted sales territory during the period of temporary service shall not be in violation of this act, and, with respect to the temporary service territory, shall not have any of the rights provided under Sections 7 and 9 of this act.

(c) Transfer the wholesaler's business without giving the supplier written notice of intent to transfer the wholesaler's business, and, where required by this act, receiving the supplier's approval for the proposed transfer. Provided, the consent or approval of the supplier shall not be required of any transfer of the wholesaler's business to a designated member, or any transfer of less than control of the wholesaler's business. Provided, however, that the wholesaler shall give the supplier written notice of any change in ownership of the wholesaler.

Section 7. (a) Notwithstanding any agreement and except as otherwise provided for in this act, a supplier shall not: amend or

modify an agreement; cause a wholesaler to resign from an agreement; or cancel, terminate, fail to renew, or refuse to continue under an agreement, unless the supplier has complied with all of the following:

(1) Has satisfied the applicable notice requirements of subsection (c) of this section.

(2) Has acted in good faith.

(3) Has good cause for the amendment, modification, cancellation, termination, nonrenewal, discontinuance, or forced resignation.

(b) For each amendment, modification, termination, cancellation, nonrenewal, or discontinuance, the supplier shall have the burden of proving that it has acted in good faith, that the notice requirements under this section have been complied with, and that there was good cause for the amendment, modification, termination, cancellation, nonrenewal, or discontinuance.

(c) Notwithstanding any agreement and except as otherwise provided in this section, and in addition to the time limits set forth in subsection (d)(5) of this section, the supplier shall furnish written notice of the amendment, modification, termination, cancellation, nonrenewal, or discontinuance of an agreement to the wholesaler not less than 60 days before the effective date of the amendment, modification, termination, cancellation, nonrenewal, or discontinuance. The notice shall be by certified mail and shall contain all of the following:

(1) A statement of intention to amend, modify, terminate, cancel, not renew, or discontinue the agreement.

(2) A statement of the reason for the amendment, modification, termination, cancellation, nonrenewal, or discontinuance.

(3) The date on which the amendment, modification, termination, cancellation, nonrenewal, or discontinuance takes effect.

(d) Notwithstanding any agreement, good cause shall exist for the purposes of a termination, cancellation, nonrenewal, or discontinuance under subsection (a) (3) of this section when all of the following occur:

(1) There is a failure by the wholesaler to comply with a provision of the agreement which is both reasonable and of material significance to the business relationship between the wholesaler and the supplier.

(2) The supplier first acquired knowledge of the failure described in subdivision (1) not more than 18 months before the date notification was given pursuant to subsection (a) (1) of this section.

(3) The wholesaler was given notice by the supplier of failure to comply with the agreement.

(4) The wholesaler was afforded a reasonable opportunity to assert good faith efforts to comply with the agreement within the time limits as provided for in subsection (d) (5) of this section.

(5) The wholesaler has been afforded 30 days in which to submit a plan of corrective action to comply with the agreement and an additional 120 days to cure such noncompliance in accordance with the plan.

(e) Notwithstanding subsections (a) and (c) of this section, a supplier may terminate, cancel, fail to renew, or discontinue an agreement immediately upon written notice given in the manner and containing information required by subsection (c) of this section if any of the following occur:

(1) Insolvency of the wholesaler, the filing of any petition by or against the wholesaler under any bankruptcy or receivership law, or the assignment for the benefit of creditors or dissolution or liquidation of the wholesaler which materially affects the wholesaler's ability to remain in business.

(2) Revocation or suspension of the wholesaler's state or federal license by the appropriate regulatory agency whereby the wholesaler cannot service the wholesaler's sales territory for more than 61 days.

(3) The wholesaler, or partner or individual who owns 10 percent or more of the partnership or stock of a corporate wholesaler, has been convicted of a felony under the United States Code or the laws of any state which reasonably may adversely affect the good will or the interest of the wholesaler or supplier. However, an existing stockholder or stockholders, or partner or partners, or a designated member or members, shall have, subject to the provisions of this act, the right to purchase the partnership interest or the stock of the offending partner or stockholder prior to the conviction of the offending partner or stockholder and if the sale is completed prior to conviction the provisions of this subdivision (3) shall not apply.

(f) Notwithstanding subsections (a), (c), and (e) of this section, upon not less than 15 days' prior written notice given in the manner and containing the information required by subsection (c) of this section, a supplier may terminate, cancel, fail to renew, or discontinue an agreement if any of the following events occur:

(1) There was intentional fraudulent conduct relating to a material matter on the part of the wholesaler in dealings with the

supplier. Provided, however, the supplier shall have the burden of proving intentional fraudulent conduct relating to a material matter on the part of the wholesaler.

(2) The wholesaler failed to confine to the designated sales territory its sales of a brand or brands to retailers. Provided this subdivision does not apply if there is a dispute between two or more wholesalers as to the boundaries of the assigned territory and the boundary cannot be determined by a reading of the description contained in the agreements between the suppliers and the wholesalers.

(3) A wholesaler who has failed to pay for wine ordered and delivered in accordance with established terms with the supplier fails to make full payment within two business days after receipt of written notice of the delinquency and demand for immediate payment from the supplier.

(4) A wholesaler intentionally has made a transfer of wholesaler's business, other than a transfer to a designated member or pursuant to a loan agreement or debt instrument, without prior written notice to the supplier, and has failed, within 30 days from the receipt of written notice from the supplier of its intent to terminate on the ground of such transfer, to reverse the transfer of wholesaler's business.

(5) A wholesaler intentionally has made a transfer of wholesaler's business other than a transfer to a designated member, although the wholesaler has prior to the transfer received from supplier a timely notice of disapproval of the transfer in accordance with this act.

(6) The wholesaler intentionally ceases, or ceases for more than a period of 61 days, to carry on business with respect to any of supplier's brand or brands previously serviced by the wholesaler **in its territory designated by the supplier, unless such cessation is due to force majeure or to labor dispute and the wholesaler has made good faith efforts to overcome such events.** Provided, however, this shall affect only that brand or brands with respect to which the wholesaler ceased to carry on business.

(g) Notwithstanding subsections (a), (c), (e), and (f) of this section, a supplier may terminate, cancel, not renew, or discontinue an agreement upon not less than 30 days' prior written notice if the supplier discontinues production or discontinues distribution in this state of all brands sold by the supplier to the wholesaler. Provided, however, nothing in this section shall prohibit a supplier from: (1) upon not less than 30 days' notice, discontinuing the distribution of any particular brand of wine; or (2) conducting test marketing of a new brand of wine or of a brand of wine which is not currently being sold in this state, provided that the supplier

has notified the board in writing of its plan to test market, which notice shall describe the market area in which the test shall be conducted; the name or names of the wholesaler or wholesalers who will be selling the wine; the name or names of the brand of wine being tested; and the period of time not to exceed 18 months during which the testing will take place.

Section 8. (a) Upon written notice of intent to transfer the wholesaler's business, any individual owning or deceased individual who owned an interest in a wholesaler may transfer the wholesaler's business to a designated member, or any other person who meets the nondiscriminatory, material, and reasonable qualifications and standards required by the supplier for Alabama wholesalers. The consent or approval of the supplier shall not be required of any transfer of the wholesaler's business, including the assignment of wholesaler's rights under the agreement, to a designated member or shall not be withheld or unreasonably delayed to a proposed transferee (other than a designated member) who meets such nondiscriminatory, material, and reasonable qualifications and standards. Provided, however, the supplier shall have the burden of proving that the proposed transferee fails to meet such qualifications and standards which are nondiscriminatory, material, and reasonable and consistently applied to Alabama wholesalers by the supplier. Provided, such designated member or transferee shall in no event be qualified as a transferee without the prior written approval or consent of the supplier, where such proposed transferee shall have been involved in any of the following:

(1) Insolvency filing of any voluntary or involuntary petition under any bankruptcy or receivership law, or execution of an assignment for the benefit of creditors; or

(2) Revocation or suspension of an alcoholic beverage license by the regulatory agency of the U. S. government or any state, whereby service was interrupted for more than 61 days; or

(3) Convicted of a felony under the United States Code, or the laws of any state which reasonably may adversely affect the good will or interest of the wholesaler or supplier; or

(4) Had an agreement involuntarily terminated, cancelled, not renewed, or discontinued by a supplier for good cause.

(b) The supplier shall not interfere with, prevent, or unreasonably delay the transfer of the wholesaler's business, including an assignment of wholesaler's rights under the agreement, if the proposed transferee is a designated member, or if the transferee other than a designated member meets such nondiscriminatory, material, and reasonable qualifications required by the supplier for Alabama wholesalers. Where the transferee is other than a designated

member, the supplier may in good faith and for good cause related to the reasonable qualifications refuse to accept the transfer of the wholesaler's business or the assignment of wholesaler's rights under the agreement. The supplier shall have the burden of proving that it has acted in good faith and that there was good cause for failure to accept or consent to the transfer of the wholesaler's business or the assignment of the wholesaler's rights under the agreement.

Section 9. (a) Except as provided for in this act, a supplier that has amended, modified, cancelled, terminated, or refused to renew any agreement; or has caused a wholesaler to resign from any agreement; or has interfered with, prevented, or unreasonably delayed, or where required by this act, has withheld or unreasonably delayed consent to or approval of, any assignment or transfer of a wholesaler's business, shall pay the wholesaler reasonable compensation for the diminished value of the wholesaler's business, including any ancillary business which has been negatively affected by the act of the supplier. The value of the wholesaler's business or ancillary business shall include, but not be limited to, any good will. Provided, however, nothing contained in this act shall give rise to a claim against the supplier or wholesaler by any proposed purchaser of wholesaler's business.

(b) Should either party, at any time, determine that mutual agreement on the amount of reasonable compensation cannot be reached, the supplier or the wholesaler may send by certified mail, return receipt requested, written notice to the other party declaring its intention to proceed with arbitration. Arbitration shall proceed only by mutual agreement by both parties.

(c) Not more than 10 business days after the notice to enter into arbitration has been delivered, the other party shall send written notice to the requesting party declaring its intention either to proceed or not to proceed with arbitration. Should the other party fail to respond within the 10 business days, it shall be conclusively presumed that said party shall have agreed to arbitration.

(d) The matter of determining the amount of compensation may, by agreement of the parties, be submitted to a three-member arbitration panel consisting of one representative selected by the supplier but unassociated with the affected supplier; one wholesaler representative selected by the wholesaler but unassociated with the wholesaler; and an impartial arbitrator.

(e) Not more than 10 business days after mutual agreement of both parties has been reached to arbitrate, each party shall designate, in writing, its one arbitrator representative and the party initiating arbitration shall request, in writing, a list of five arbitrators from the American Arbitration Association or its successor and

request that the list shall be mailed to each party by certified mail, return receipt requested. Not more than 10 business days after the receipt of the list of five choices, the wholesaler arbitrator and the supplier arbitrator shall strike and disqualify up to two names each from the list. Should either party fail to respond within 10 business days or should more than one name remain after the strikes, the American Arbitration Association shall make the selection of the impartial arbitrator from the names not stricken from the list.

(f) Not more than 30 days after the final selection of the arbitration panel is made, the arbitration panel shall convene to decide the dispute. The panel shall conclude the arbitration within 20 days after the arbitration panel convenes and shall render a decision by majority vote of the arbitrators within 20 days from the conclusion of the arbitration. The award of the arbitration panel shall be final and binding on the parties as to the amount of compensation for the diminished value.

(g) The cost of the impartial arbitrator, the stenographer, and the meeting site shall be equally divided between the wholesaler and the supplier. All other costs shall be paid by the party incurring them.

(h) After both parties have agreed to arbitrate should either party, except by mutual agreement, fail to abide by the time limitations as prescribed in subsections (c), (e), and (f) of this section, or fail or refuse to make the selection of any arbitrators, or fail to participate in the arbitration hearings, the other party shall make the selection of its arbitrator and proceed to arbitration. The party who has failed or refused to comply as prescribed in this section shall be considered to be in default. Any party considered to be in default pursuant to this subsection shall have waived any and all rights the party would have had in the arbitration and shall be considered to have consented to the determination of the arbitration panel.

Section 10. A wholesaler may not waive any of the rights granted in any provision of this act and the provisions of any agreement which would have such an effect shall be null and void. Nothing in this act shall be construed to limit or prohibit good faith dispute settlements voluntarily entered into by the parties.

Section 11. (a) This act shall apply to agreements in existence on the effective date of this act, as well as agreements entered into or renewed after the effective date of this act.

(b) A transferee of a wholesaler that continues in business as a wholesaler shall have the benefit of and be bound by all terms and conditions of the agreement with the supplier in effect on the date of the transfer; provided, however, a transfer of a wholesaler's business which requires supplier's consent or approval but is disapproved by the supplier shall be null and void.

(c) A successor to a supplier that continues in business as a supplier shall be bound by all terms and conditions of each agreement of the supplier in effect on the date of succession.

Section 12. (a) If a supplier engages in conduct prohibited under this act, a wholesaler with which the supplier has an agreement may maintain a civil action against the supplier to recover actual damages reasonably incurred as the result of the prohibited conduct. If a wholesaler engages in conduct prohibited under this act, a supplier with which the wholesaler has an agreement may maintain a civil action against the wholesaler to recover actual damages reasonably incurred as the result of the prohibited conduct.

(b) A supplier that violates any provision of this act shall be liable for all actual damages and all court costs and, in the court's discretion, reasonable attorney fees incurred by a wholesaler as a result of that violation. A wholesaler that violates any provision of this act shall be liable for all actual damages and all court costs and, in the court's discretion, reasonable attorney fees incurred by the supplier as a result of that violation.

(c) This act imposes upon a supplier the duty to deal fairly and in good faith with a wholesaler which has entered into an agreement with the supplier to purchase and sell a brand or brands of wine sold by the supplier. Except as otherwise provided in this act, if a court finds that a supplier has intentionally, consciously, or deliberately acted or failed to act which was not in good faith or was in bad faith either in (1) effecting an amendment, modification, termination, cancellation, or nonrenewal of any agreement; or (2) unreasonably interfering with, preventing, or unreasonably delaying the transfer of the wholesaler's business where approval of the proposed transferee is not required by this act; or (3) unreasonably withholding its consent to or approval of any assignment, transfer, or sale of a wholesaler's business, where approval of the proposed transferee is required by this act; it may, upon proof thereof by clear and convincing evidence as defined in Section 6-11-20 of the Code of Alabama 1975, award exemplary or punitive damages, as well as actual damages, court costs, and reasonable attorney fees to the wholesaler who has been damaged by the action or the failure to act of the supplier. Such actions or failure to act on the part of the supplier shall constitute the tort of bad faith, and the amount of any award of punitive damages and the review thereof by the trial or appellate court shall be governed by Section 6-11-25 of the Code of Alabama 1975.

(d) A supplier or wholesaler may bring an action for declaratory judgment for determination of any controversy arising pursuant to this act.

(e) Upon proper application to the court, a supplier or wholesaler may obtain injunctive relief against any violation of this act.

If the court grants injunctive relief or issues a temporary restraining order, bond shall not be required to be posted.

(f) The remedies provided by this section are nonexclusive, and nothing contained herein shall abolish any cause of action or remedy available to the supplier or the wholesaler existing on the effective date of this act.

(g) Any legal action taken under this act, or in a dispute arising out of an agreement or breach thereof, or over the provisions of an agreement shall be filed in either Mobile County Circuit Court or the United States District Court for the Southern District of Alabama.

Section 13. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. This act is cumulative, and supplements and is in addition to Sections 28-8-1 to 28-8-8, inclusive, Code of Alabama 1975.

Section 15. All laws or parts of laws which conflict with this act are hereby repealed.

Section 16. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 1:42 P.M.

Act No. 93-484

H. 1 – Rep. Walker

AN ACT

To exempt Alabama Goodwill Industries, Inc., Goodwill Industries of Mobile Area, Inc., and Goodwill Industries of Central Alabama, Inc., from the payment of all state, county, and municipal sales and use taxes.

Be It Enacted by the Legislature of Alabama:

Section 1. Alabama Goodwill Industries, Inc., Goodwill Industries of Mobile Area, Inc., and Goodwill Industries of Central Alabama, Inc., are exempted from paying any state, county, and municipal sales or use taxes.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 1:43 P.M.

Act No. 93-485

H. 105 – Rep. Turner

AN ACT

Amending Sections 12-17-145 and 12-17-161, Code of Alabama 1975, to allow certain court clerks and registers to elect to participate in the supernumerary fund by a certain deadline.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 12-17-145 and 12-17-161, Code of Alabama 1975, are amended to read as follows:

“§12-17-145.

“(a) Any clerk or register of the circuit court shall be subject to the terms of this division unless he or she notifies the administrative director of courts in writing to the contrary 30 days subsequent to October 1, 1995. This notification may be made notwithstanding any prior election to not participate and is made available only to those circuit clerks or registers who hold office on or before October 1, 1976.

“(b) Upon the receipt of an election to participate in the supernumerary system provided in this division by a circuit clerk or register who was previously a member of the Employees’ Retirement System, and who held office on or before October 1, 1976, the administrative director of courts shall immediately notify the Secretary-Treasurer of the Retirement Systems of Alabama of the election. Upon receiving the notice, the retirement systems shall transfer on or before the September 30 after the election all of the employee contributions plus any other amounts, including, but not limited to, any interest on the account which he or she would be entitled to receive upon withdrawal from the retirement system, to the clerks and registers supernumerary fund provided for in Section 12-17-143, Code of Alabama 1975, so that the employee may begin participating in the fund on the ensuing first of October.

“(c) Upon transfer of the funds, any clerk or register electing to participate in the supernumerary system shall receive credit in the fund for all prior service for which he or she had been given credit under the Employees’ Retirement System, and shall thereafter make contributions to the supernumerary fund as provided in Section 12-17-143, Code of Alabama 1975.”

“§12-17-161.

“(a) Authority and responsibility for the operation of a separate clerk’s office for the district court of a county may be authorized by the supreme court upon the written request of the clerk of the

circuit court or the judges of the district court. When the supreme court authorizes a separate clerk's office for the district court of a county, the clerk of the circuit court shall not be the ex officio clerk of the district court and shall have no administrative responsibilities for and supervision over the operation of the office. Whenever a separate district clerk's office is authorized, the administrative responsibility for and supervision of the records and clerical services of the respective district court is vested in an official who shall be known as the clerk of the district court, who shall perform all duties and responsibilities which, if no clerk for the district court was authorized, would have been performed by the circuit clerk.

"(b) The clerk of a district court shall be appointed by the administrative director of courts, with the advice and consent of the presiding judge of the circuit court and a majority of the district court judges of the district concerned. The clerk of a district court may be removed for cause by the administrative director of courts and shall not be subject to the state merit system except for pay purposes.

"(c) The separate office of clerk of district court may be abolished by the supreme court, and if abolished, the authority and responsibilities shall be assumed by the clerk of the circuit court.

"(d) Any district court clerk who desires to be included under the supernumerary provisions for circuit clerks and registers in lieu of participation in the Employees' Retirement System shall file a declaration to that effect with the Administrative Director of Courts during the month of August in the years 1993 to 1995, inclusive. Upon receipt of an election by any district court clerk to participate in the supernumerary fund for clerks and registers, the Administrative Director of Courts shall immediately notify the Secretary-Treasurer of the Retirement Systems of Alabama of the election. Upon receipt of the election, the retirement systems shall transfer, on or before the September 30 after the election, all of the employee contributions plus any other amounts, including, but not limited to, any interest on the account that the employee would be entitled to receive upon withdrawal from the retirement system, to the clerks and registers supernumerary fund provided in Section 12-17-143, Code of Alabama 1975, so that the employee may begin participating in the fund on the ensuing first of October.

"Upon the transfer of the funds, any district court clerk electing to participate in the supernumerary fund shall receive credit in the fund for all prior service that he or she had been given credit for under the Employees' Retirement System.

"Thereafter, any district court clerk who elects to come under the supernumerary fund for clerks and registers shall make

contributions to the clerks and registers supernumerary fund as provided in Section 12-17-143, Code of Alabama 1975.

“Any person who has served as clerk of the district court prior to October 1, 1993, and has elected to participate in the clerks and registers supernumerary fund as provided in this act, may elect to become a supernumerary clerk of the district court of the county in which the clerk served, in the same manner provided in Section 12-17-140, Code of Alabama 1975, if the clerk meets the requisite qualifications. It is the intent of this subsection that the provisions in the clerks and registers supernumerary fund laws that refer to circuit clerks shall be construed to also refer to district court clerks for purposes of the supernumerary fund; however, a supernumerary district court clerk’s salary shall be set at seventy-five percent of his or her salary as a district court clerk at the time such eligibility is achieved.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 1:44 P.M.

Act No. 93-486

H. 388 – Reps. Rich, McDaniel

AN ACT

Relating to Marshall County; establishing a sheriff reserve within the county sheriff’s department.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Marshall County is hereby authorized to establish a sheriff reserve to be composed of persons who volunteer to serve, without compensation, as sheriff reserve officers of the sheriff’s department.

Section 2. The sheriff reserve officers shall at all times serve under the direction and supervision of the sheriff or members of the sheriff’s department. The sheriff shall determine the fitness of persons to serve as sheriff reserve officers and shall provide the training necessary for reserve officers.

Section 3. The duties of a sheriff reserve officer shall be limited to assisting the sheriff’s department in the performance of its regularly constituted duties. The reserve officers shall serve under the immediate supervision of a lawful sheriff’s department officer.

The sheriff reserve officers shall have the authority to carry firearms when summoned to duty and shall have arrest powers only in the event the full-time sheriff's department deputy is incapacitated or unable to perform an arrest. Sheriff reserve officers, while lawfully serving under the supervision and direction of the sheriff or a member of the sheriff's department, shall have the same defenses, protection, and immunities afforded regularly employed sheriff's deputies and those powers shall be recognized by all courts having jurisdiction over offenses against the laws of this state.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 1:45 P.M.

Act No. 93-487

H. 389 – Reps. Rich, McDaniel

AN ACT

Relating to Marshall County; authorizing the sheriff to offer abandoned and stolen property for sale at public auction to the highest cash bidder; and providing for the disposition of the net revenues generated from the sale.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Marshall County shall sell, at public auction, abandoned and stolen personal property recovered by the Sheriff's Department which has remained unclaimed by the owner for a period of twelve consecutive months.

Section 2. The Sheriff of Marshall County shall keep and maintain a permanent record of all abandoned and stolen personal property recovered by the Sheriff's Department which describes the property, provides the date of recovery, the serial or other identifying number, and the place of recovery of the property. The records shall be open to public inspection at reasonable times. All abandoned or stolen property recovered by the Sheriff's Department shall be stored in a suitable place to protect the property from deterioration. After reasonable attempts have been made

to locate and identify the owner, perishable property may be sold at once without notice. The proceeds shall be held for a period of six months for the account of the owner, and, if unclaimed after that time, shall be paid to the Sheriff's Department after deducting and paying all expenses incurred in the recovery, storage, maintenance, and sale of the property.

Section 3. Except for perishable property sold pursuant to Section 2 of this act, at least every six months, the Sheriff of Marshall County, shall sell at public auction to the highest bidder for cash all abandoned or stolen personal property which has been recovered by the Sheriff's Department, which has remained unclaimed by the owner after a period of twelve months. The sale shall be made after notice has been given by publication in a newspaper of general circulation in Marshall County once a week for two successive weeks or by posting notice in a conspicuous place at the Marshall County Courthouse for a period of at least twenty days prior to the sale. The notice shall contain the place, date, and time of each auction and a description of each item of personal property to be sold at auction. If publication of the notice is made by publication in the newspaper, the first notice shall run at least twenty days prior to the auction.

Section 4. The owner of abandoned or stolen personal property recovered by the Sheriff's Department may redeem the property for a period of one year from the date of the sale or public auction at any time prior to its sale by paying the reasonable expenses incurred in the recovery of the property, its maintenance and storage, and a pro rata share of the costs of publication of notice of the sale of the property.

Section 5. Whenever any property is sold at public auction, the sale shall be paid only in cash. A notation in the storage record book shall be made of the sale and of the amount received for the property. The person making the sale shall have the right to reject any and all bids if the bid amount is deemed unreasonably low. The sale may continue, from time to time, if no bidders are present.

Section 6. The purchaser at any sale conducted by the Sheriff's Department pursuant to this article shall receive title to the property purchased, free from all claims of the owner or prior holder thereof, subject to redemption pursuant to Section 4 of this act, and of all persons claiming through or under them. The Sheriff's Department shall execute all documents necessary to complete transfer of title.

Section 7. The net proceeds from any auction after deducting and paying all expenses incurred in the recovery, storage, maintenance, and sale of property sold at the auction, shall be paid into the office of the Sheriff of Marshall County.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 1:46 P.M.

Act No. 93-488

H. 461 – Reps. Black (M), Goodwin

AN ACT

Relating to the City of Sheffield in Colbert County; to amend Act 89-196, H. 495 of the 1989 Regular Session (Acts of 1989, p. 247), relating to declaring certain items a public nuisance, to correct a citation and to require the time and location of a meeting regarding the declaration be specified on the posted notice.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2 and 3 of Act 89-196, H. 495 of the 1989 Regular Session (Acts of 1989, p. 247), are amended to read as follows:

“Section 2. Whenever any officer or employee of the City of Sheffield charged with the responsibility reports to the city governing body the existence of any condition enumerated in Section 1, the city governing body may, by resolution, if the proof is satisfactory, declare the condition to be a public nuisance. The resolution shall refer to the street by the name under which it is commonly known, and describe the property upon which or in front of which the nuisance exists by giving a legal description thereof. No other description of the property shall be required. Any number of streets, sidewalks, or parcels of private property may be included in the same resolution.

“Section 3. After the passage of the resolution, the city governing body shall conspicuously post in front of the property on which or in front of which the nuisance exists, at not more than one hundred feet in distance apart, at least two notices headed “Notice to Remove Public Nuisance.” The heading shall be in words not less than one inch in height and substantially in the following form:

“NOTICE TO REMOVE PUBLIC NUISANCE

“Notice is given that on the _____ day of _____, 19__ , the city governing body passed a resolution declaring that a

public nuisance exists upon or in front of the property on _____ (street) in the City of Sheffield, more particularly described in the resolution. The public nuisance must be abated by removal. The nuisance will be abated by municipal authorities and the cost of the removal shall be assessed upon the lots and lands from which or in front of which the public nuisance is removed. The cost shall constitute a lien upon the lots or lands until paid. Reference is made to the resolution for further particulars.

"All property owners having any objections to the proposed removal of the public nuisance are notified to attend a meeting of the governing body of the City of Sheffield to be held (give date, time, location), when their objections will be heard and given due consideration.

Dated this _____ day of _____, 19 ____ .

Name of City _____

By _____, City Clerk

"The notice shall be posted at least five days prior to the time for hearing objections by the city governing body. In addition, a notice shall be mailed to the owner of the property at least five days before the meeting at which objections will be heard. A notice mailed to the person last assessed for property taxes due on the property according to the records of the county tax assessor shall be conclusively presumed to be adequate and to comply with these requirements."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 1:47 P.M.

Act No. 93-489

H. 463 – Rep. Hill

AN ACT

Relating to Shelby County, repealing Act 92-225 and Act 92-400 of the 1992 Regular Session, both of which permitted persons engaged in certain real estate businesses to serve on certain planning, zoning, or subdivision boards or commissions.

Be It Enacted by the Legislature of Alabama:

Section 1. Act 92-225 and Act 92-400 of the 1992 Regular Session are repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 1:48 P.M.

Act No. 93-490

H. 489 – Rep. Lindsey

AN ACT

Relating to Cherokee County; providing for an additional expense allowance and salary for the coroner and an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing on the first day of the month immediately following the effective date of this act, the Coroner of Cherokee County shall be entitled to an additional expense allowance in the amount of two hundred dollars (\$200) per month, which shall be in addition to all other expense allowances, compensation, or salary provided by law. This expense allowance shall be payable from the general fund of the county.

Section 2. Beginning with the expiration of the term of the incumbent coroner, the annual salary for the Coroner of Cherokee County shall be increased by two hundred dollars (\$200) per month payable from the general fund of the county and at that time Section 1 shall become null and void.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved May 13, 1993

Time: 1:49 P.M.

Act No. 93-491

H. 614 – Rep. Collins

AN ACT

Relating to Lamar County; to require the installation and maintenance of an improved system of indexing and recording documents affecting the title to property and other documents recorded in the Office of the Judge of Probate; to provide the collection and disposition of a special indexing and recording fee; and to provide that the system shall constitute official and permanent records in Lamar County.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall only apply in Lamar County. The purpose of this act is to facilitate the use of public records in property transactions in Lamar County by providing for the installation of an improved system of indexing and recording of instruments and documents affecting the title to real and personal property that are recorded in the Office of the Judge of Probate and for the indexing and recording of other instruments, documents, and other use in the discretion of the judge of probate.

Section 2. The following words and phrases, including the plural of any thereof, whenever used in this act, shall have the following respective meanings:

(1) **REAL PROPERTY INSTRUMENT.** Includes any instruments or documents affecting the title to real property that may now or hereafter be filed for record in the Probate Office pursuant to the applicable requirements of the laws of this state, including, but not limited to, Section 12-13-43 of the Code of Alabama 1975, and all statutes providing for the filing and recording of notices or statements of liens of any kind, notices of judgements, and plats or maps showing subdivisions of real estate.

(2) **GENERAL PROPERTY INSTRUMENT.** A real property instrument that affects the title to personal property as well as real property.

(3) **PERSONAL PROPERTY INSTRUMENT.** Any instrument or document affecting the title to personal property only (as distinguished from real property) that may be now or hereafter titled for record in the Probate Office, in accordance with the applicable requirements of the law of this state, including and particularly Sections 34-4-50 and 35-4-90 of the Code of Alabama 1975.

(4) **IMPROVED INDEXING AND RECORDING SYSTEM.** A system of indexing and recording real property instruments and personal property instruments in the Probate Office and, in the discretion of the judge of probate, of indexing and recording other instruments and documents, which system when completed, shall consist of equipment necessary and suitable to prepare and index records.

Section 3. The judge of probate may provide for the installation and thereafter for the maintenance of an improved indexing and recording system in the Probate Offices of the county. The initial installation of the improved indexing system shall include the following:

(1) The acquisition of the equipment provided for in the definition hereinabove set forth of an improved indexing and recording system.

(2) The establishment of procedures for the continued indexing, recording, and filing of all instruments and records that will, after the effective installation date, constitute a part of the improved indexing and recording system.

(3) The initial installation of the improved indexing and recording system shall be performed by a person or persons, firm, or corporation engaged in records management business and experienced in setting up county records; and the initial installation shall be supervised and inspected by a person who is experienced in handling records pertaining to abstracts and title. Following its installation in the county, the improved indexing and recording system shall be thereafter maintained in the county and all real property instruments, general property instruments, personal property instruments, and other documents and records herein provided to constitute a part of the system, that may be thereafter filed for record in the Probate Office of the county shall be in accordance with the aforesaid improved indexing and recording system. Each real property instrument and each personal property instrument shall be operative as a record from the time of its delivery to the judge of probate of the county, in accordance with the provisions of existing law, including particularly Section 12-13-43 of the Code of Alabama 1975.

Section 4. Following the effective installation date, real property instruments, personal property instruments, and other documents and records and indexes thereto shall constitute the official records of the instruments for the purpose of Section 12-13-43 of the Code of Alabama 1975.

Section 5. All provisions of the laws of Alabama with respect to the recording of real property instruments, personal property instruments, general property instruments, miscellaneous instruments, and other instruments and records that may constitute part of an improved indexing and recording system installed hereunder (including, but not limited to the provisions of Section 12-13-43 of the Code of Alabama 1975, and the provisions of all statutes respecting the filing and recording of notices or statements of liens of any kind, notices of Lis Pendens, declaration of claims of exemption, certificates of judgment, or plats or maps showing subdivisions of real estate) that are not inconsistent with the provisions of this act shall continue in effect with respect to an improved indexing and recording system installed hereunder, the recording of instruments therein, and the duties of the judge of probate with respect thereto.

Section 6. The initial installation costs shall be paid entirely out of the special indexing and recording fees. Nothing contained in this section, however, shall prohibit the county from

using any part of its own funds for the purpose of paying the cost of operating and maintaining, after the initial installation, any improved system installed pursuant to the provisions of this act.

Section 7. Thirty days after the date this act becomes applicable to Lamar County, a special indexing and recording fee of five dollars (\$5) shall be paid to the judge of probate with respect to each real property instrument and each personal property instrument that may be filed for record in the Office of the Judge of Probate and for the recording of other instruments and documents in the Probate Office in the discretion of the judge of probate of the county, and, on and after the date no instrument shall be received for record in the Office of the Judge of Probate unless the special indexing and recording fee of five dollars (\$5) is paid thereon. The special indexing and recording fee shall be in addition to all other fees, taxes, and other charges required by law to be paid upon the filing for record of any real property instrument or personal property instrument, and for the recording of other instruments and documents in the Probate Office in the discretion of the judge of probate of the county. All special indexing and recording fees collected shall be paid into the county general fund. The fee shall be adjusted from time to time by the Lamar County Commission.

Section 8. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are repealed.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 1:50 P.M.

Act No. 93-492

H. 617 – Rep. Lindsey

AN ACT

Relating to Cleburne County; repealing Act No. 34, H. 136, Fourth Special Session of 1975, giving the county commissions of certain counties classified on a population basis certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 34, H. 136, Fourth Special Session of 1975, giving the county commissions of certain counties classified on a population basis certain powers in regard to constructing and maintaining roads and rights-of-way leading to private dwellings, is repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 1:51 P.M.

Act No. 93-493

H. 742 – Reps. Knight (A), Hill

AN ACT

Relating to the City of Alabaster in Shelby County; to establish a civil service system and to provide for classified services; to establish a personnel board and to provide for the appointment, term, and powers of board members; to provide for the establishment of a register and filling of vacancies; and to provide penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to the City of Alabaster in Shelby County and shall be known as “The City of Alabaster, Shelby County, Alabama, Civil Service System Act.”

Section 2. The words, terms, and phrases defined below shall have the following meanings:

(1) **APPOINTING AUTHORITY** means a person, officer, board, council, or other body whose jurisdiction or powers are confined wholly or primarily within the territorial limits of the city and who or which possess final power to appoint persons to services, jobs, offices, or positions, the compensation of which is paid in whole or in part from public funds of the city subject to this act. The mayor and city department heads, the water and gas board and its manager, and the library board and its head librarian are appointing authorities within the meaning of this definition.

(2) **BOARD** means the personnel board created by this act.

(3) **CERTIFICATION** means a submission of names of eligibles from a reemployment list, a promotion list or an eligible register to an appointing authority for the purpose of filling a position in the classified service.

(4) **CITY** means the City of Alabaster, Shelby County, Alabama.

(5) **CLASS** means a group of positions in the classified service sufficiently similar in respect to the duties, responsibilities, and authority that the same descriptive title may be used to identify all positions allocated to the class, that the same requirements as to education, experience, capacity, knowledge, proficiency, ability, and other qualifications should be required of the incumbents, that the same tests of fitness may be used to choose qualified employees, and that the same schedule of compensation can be made to apply with equity.

(6) **CLASSIFICATION** means the assigning of a position to the appropriate class in accordance with its duties, responsibilities, and authority.

(7) **COUNCIL** means those individuals elected to the city council of the city.

(8) **DEPARTMENT HEAD** means the top management individual in each of the city's operations divisions, including but not limited to the chief of police, the fire chief, the director of public works, the city clerk-treasurer, and the library director. Each department head is an appointing authority in his or her respective divisions. Department heads are members of the classified service as defined in this act.

(9) **DIRECTOR** means the personnel director appointed by the mayor with the council's approval.

(10) **DISCOVERY** means the process apart from the hearing whereby a party may obtain relevant information from another person, including a party, which has not otherwise been provided.

(11) **ELIGIBLE** means a person whose name is on a reemployment list, a promotion list, or an eligible register.

(12) **ELIGIBLE REGISTER** means a record containing the names of those persons who have successfully completed prescribed tests, listed and ranked in order of their final earned average from the highest to the lowest, and are qualified for original appointment to positions in the class for which the test was held.

(13) **EMPLOYEE or APPOINTEE** means a person in the classified service herein established and appointed by an appointing authority, unless specifically exempted.

(14) **MAYOR** means the individual elected to the official position of mayor of the city.

(15) **PAY GRADE** means the specific pay range set forth in the pay plan for a classification.

(16) **PAY STEP** means the specific pay rate within a pay range as set forth in the pay plan.

(17) **PERMANENT POSITION** means any position in the classified service which has required or which is likely to require the full-time services of an incumbent without interruption for a period of more than six months.

(18) **PERSONNEL BOARD** means the board created by this act.

(19) **POSITION** means any job or set of duties in the classified service requiring the full-time employment of one person in the performance and exercise thereof.

(20) **PROBATIONARY EMPLOYEE** means an employee appointed to a permanent position from a reemployment list, promotion list, or eligible register who has not completed his or her probationary period.

(21) **PROMOTION** means an advancement from one class to another related occupational class with increased duties or responsibilities, or both, and for which a higher rate of pay is prescribed.

(22) **POLICY, RULE, or REGULATION** means policies, rules, or regulations, adopted by the board in accordance with this act which are considered necessary to carry out this act and to develop a comprehensive civil service system, so long as the policies, rules, and regulations adopted by the board do not modify or change the intent of this act.

(23) **PUBLIC HEARINGS** means a meeting of the board, open to the public, at which any citizen, taxpayer, or party at interest may appear and be heard.

(24) **PUBLIC NOTICE** means a written notice placed upon the bulletin board maintained at or near the entrance to the offices of the city clerk in a place accessible to the public during business hours.

(25) **PUBLIC RECORDS** means a record which the public has the right to inspect in a reasonable manner during ordinary business hours.

(26) **QUALIFICATIONS** means the minimum experience, educational, physical, and personal requirements determining the eligibility of an applicant for examination.

(27) **REEMPLOYMENT LIST** means a list containing the names of persons who have occupied, and have been separated from, permanent positions in the classified service and who are entitled to preference in appointment to vacancies in positions.

(28) **REGULAR EMPLOYEE** means an employee who was appointed under this act to a permanent position and who has completed his probationary period.

(29) **SEASONAL POSITION** means any position in the classified service which requires or is likely to require the services of an incumbent during certain parts of each year, only at recurring annual or other periods.

(30) **SERIES** means a subdivision of a group consisting of two or more classes of positions, similar as to line of work but differing in responsibility or difficulty, which constitutes steps in a normal line of promotion.

(31) **SPECIFICATIONS** means a formal statement descriptive of a position and shall contain:

- a. The title and class.
- b. A description of the duties or responsibilities thereof.
- c. The minimum qualifications required of applicants as to education, experience, physical ability, and other attributes.

(32) **TEMPORARY POSITION** means any position in the classified service which is not permanent, but which requires or is likely to require the services of an incumbent for a period of six months or less.

(33) **TESTS** means written or oral examinations, or both, or other methods established as herein provided to determine the merit, efficiency, and general fitness of applicants for positions.

(34) **TITLE** means the term used to designate all employment by class and grade and shall be descriptive of the duties of the position.

Section 3. The purpose of this act is to provide for the orderly administration of city government and shall provide for the following:

(1) The preparation and maintenance of a position classification plan for all positions in the classified service based upon a similarity of duties performed and responsibilities assumed, so that the same schedule of pay may be applied to all positions in the same class. Each position in the classified service shall be allocated to one of the classes in the plan.

(2) A pay plan for all employees in the classified service. The plan shall be composed of salary grades and ranges of pay with minimum and maximum rates of compensation, and those intermittent steps or rates deemed necessary for proper recruitment and retention of personnel. The pay plan shall be fully integrated with the classification plan.

(3) Open-competitive and promotional examinations to determine the relative fitness of individuals meeting announced requirements to perform the duties of the positions in the classified service. The examinations shall be announced publicly and in advance of the date fixed for closing the filing of applications.

(4) The establishment of eligible lists for appointment and promotion upon which lists shall appear the names of successful candidates in order of their relative performance or ranking in the respective examinations. The duration of eligible lists shall normally be for one year.

(5) A rejection of candidates who fail to meet announced job requirements, are found lacking in conduct or character, have attempted any deception or fraud with respect to an examination or candidacy for appointment, or for any other reason deemed just and applicable.

(6) A probationary period of one year before appointment is complete and regular status is conferred on the probationary employee.

(7) Provisional, emergency, temporary, seasonal, and part-time employment.

(8) The preparation and maintenance of records of performance of all employees in the classified service. These records shall be considered in counseling employees regarding work improvements; in determining salary increases and decreases provided in the pay plan; and as a factor in promotion, demotion, lay-off, transfers, and reinstatement.

(9) The development and operation of programs to improve the effectiveness and morale of employees in the public service, including training, safety, health, counseling, and employee relations.

(10) The imposition of disciplinary measures of dismissal, demotion, and suspension without pay; and provisions for appeal from those actions.

(11) The establishment of procedures governing layoff, reinstatement, disciplinary actions, and grievances.

(12) The hours of work and holidays, vacation, sick, and special leave, with or without pay.

(13) The examination and certification of public payrolls by the director of personnel.

(14) Exemptions from the coverage.

(15) Other rules and regulations not inconsistent with this act, which shall aid in its effectiveness.

(16) The prohibition of political activity on the part of any employee in the classified service.

Section 4. (a) There is created a personnel board which shall be composed of three members to be selected as follows: One member shall be elected by the employees of the classified service to serve for a term of four years; one member shall be appointed by the mayor and the council to serve for a term of three years; one member shall be appointed by the two members appointed by the mayor and the council, and elected by the employees of the classified service, respectively, to serve for a term of two years. Each member elected or appointed thereafter shall serve a term of four years, or until their successor is selected and takes office. Vacancies shall be filled for the unexpired term by the selecting authority in the same manner as the original appointees.

(b) Only persons who are qualified resident electors of the city shall be selected to the board. No person shall be selected to the board who, at the time of appointment, or for three years prior to appointment, shall have held public office or political party office or have been a candidate for public office. No person shall be selected to the board who at the time of appointment is an employee of the city.

(c) The board shall:

(1) Meet in regular session at least semiannually and at other times as necessary to transact the business of the board.

(2) Promulgate the policies, rules, and regulations necessary to carry out this act and to develop a comprehensive civil service system.

(3) Review, approve, disapprove, or modify administrative actions and conduct of the program by the director of personnel.

(4) Hear and render decisions relative to disciplinary and related matters as set forth in this act.

(5) Conduct inquiry and investigation as to the force and effect of this act and the operation of the merit system program.

(6) Transact any other business within the purview of the board and within the intent of this act.

Section 5. The mayor, with the council's approval, shall appoint a director of personnel. The director shall be experienced in the field of personnel administration and shall administer an efficient and economical merit system in accordance with the rules arising therefrom, and shall carry out the policies established by the board. Any act of the director complained of shall be subject to review by the board. In addition to the duties and responsibilities set forth elsewhere in this act, the director shall:

(1) Serve as secretary to the board and shall be its executive officer.

(2) Prepare for approval of the board any policies, rules, and regulations needed to carry out this act, including but not limited to, rules governing examinations, recruitment, appointments, suspensions, dismissals, certifications, layoffs, sick leave, vacation leave, and other types of leave, resignations, reinstatements, promotions, demotions, transfers, salary, classification, and other rules deemed necessary for a sound personnel and merit system.

(3) Determine the effectiveness of the system and compliance with this act by the conduct of studies and inquiries deemed necessary, and to report the findings along with any recommendations for improvements to the board. In connection with the investigations or inquiries, the director may administer oaths, issue subpoenas, require the attendance of witnesses, and compel the production of records, documents, and papers pertaining to the subject under consideration.

(4) Study the organization and operation, and manpower requirements of the departments, and to make recommendations for improvements to the council.

(5) Maintain an official roster of all positions and incumbents in the classified service wherein shall be recorded the various personnel transactions affecting the employee.

(6) Establish and administer, subject to approval by the board, plans for the classification of positions in the classified service.

(7) Promote and assist in the establishment of programs for general employee pension, welfare, health, and career development.

Section 6. On the effective date of this act, all employees and appointees holding regular full-time positions in the service of the city shall be granted permanent status in the classified service as hereinafter defined. The service shall be divided into two categories, as follows:

(1) A classified service comprised of all employees and appointees holding regular full-time positions in the service of the city. Employees occupying these positions shall be in the classified service unless specifically exempted from the service under this act.

(2) The unclassified service shall include:

a. Part-time employees.

b. Persons engaged in teaching or in supervising teaching in the public schools.

- c. Officials elected by popular vote.
- d. The judge of any court.
- e. The city attorney.
- f. The city prosecutor.
- g. The administrative assistant to the city's chief executive officer.
- h. The director of personnel.
- i. Common laborers, as determined by the board.
- j. Part-time members of boards.
- k. Attorneys, physicians, surgeons, and dentists who, with permission of the appointing authority of the city, engage in outside similar employment.

Section 7. (a) Public records are those records as defined in section 41-13-1, Code of Alabama 1975. The records may be reviewed in a manner prescribed by the director, taking into account confidentiality, convenience, and related factors.

(b) Minutes of board meetings, active employment rosters, and financial records shall be retained permanently. Applications and examination papers of successful candidates shall be retained for the duration of appropriate eligible registers.

(c) From time to time by public hearing, the personnel board may promulgate policies, rules, and regulations necessary to carry out this act and develop a comprehensive civil service system, so long as the promulgated policies, rules, and regulations do not modify or change the intent of this act. No policy, rule, or regulation shall be promulgated and adopted at the same meeting. No final action on promulgated policies, rules, or regulations shall be taken for at least seven days after its proposal at a public hearing. Adequate notice of public hearings shall be sent to the appointing authorities concerned and to representative employee associations to facilitate wide distribution of the proposed rules. The associations shall provide a current name and address for the personnel board for proper mailing.

Section 8. (a) The classification plan shall provide a complete inventory of all positions in the classified service and an accurate description and specifications for each class of work. The plan shall standardize titles so that each is indicative of a definite range of duties and responsibilities and has the same meaning throughout the classified service.

(b) The classification plan shall consist of:

(1) A grouping in classes of positions which are approximately equal in difficulty and responsibility that call for the same general qualifications, and that can be equitably compensated within the same range of pay under similar working conditions.

(2) Class titles that are descriptive of the work of the class, and identify the class. These class titles shall be used in all personnel, accounting, budget, and related records. No person shall be appointed to or employed in a position in the classified service under a title not included in the classification plan. Working titles may be used in the course of departmental routine to indicate authority, status in the organization, or administrative rank.

(3) Written specifications for each class of positions consisting of: A title which is descriptive and consistent with other titles in the plan; a brief overall description of the kind and level of work; examples of typical duties performed in positions in the class; qualification requirements setting forth the necessary experience, education, or other requirements; and the required knowledge, skills, and abilities needed in order to perform the work. Specifications shall be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples shall not be isolated and treated as a full definition of the class. Specifications shall be descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed.

(4) An allocation list showing the class title of each position in the classified service as identified by the name of the incumbent.

(c) The classification plan shall be used:

(1) As a guide in recruiting and examining candidates for employment.

(2) For determining lines of promotion and in developing employee training programs.

(3) For determining salaries to be paid for various types of work based on wage surveys and job analysis.

(4) For determining personnel service items in departmental budgets.

(5) For providing uniform job terminology understandable by all officials, employees, and the general public.

Section 9. The director shall prepare or direct the preparation of the classification plan. When the plan is completed, the director shall submit to each department head a copy of the tentative class specifications for each position class and a list allocating the positions in the jurisdiction to the tentative position classes. The department head shall notify employees about the allocation

of their respective positions. A copy of the class specification and individual allocation shall be made available to the employee or his or her representative on request.

Section 10. (a) The director shall maintain the classification plan so that it will reflect the duties performed by each employee in the classified service and the class to which each position is allocated. The director shall:

(1) Recommend to the board the establishment of new position classes and the deletion or revision of existing classes.

(2) Review the duties and responsibilities of each new position established, and with the approval of the board, allocate the position to the appropriate position class. The department head shall submit to the director, in writing, a comprehensive job description describing in detail the duties of each new position established.

(3) Make periodic studies of positions to determine changes in duties and responsibilities and based on findings recommend reallocation or reclassification of positions. Classification studies may be made at the request of the employee, department head, or on the initiative of the director. Changes in duty assignments must be more than temporary in nature and the incumbent must be performing the duties for a sufficient duration to warrant investigation.

(4) Direct the grading and classifying of all positions in the classified service at least once every five years.

(b) When a position is reallocated to a higher position class, a lower position class, or another position class at the same level, the method of filling the position shall be determined under this act regarding transfers, demotions, or promotions as may be appropriate.

Section 11. (a) The pay plan shall provide the basis of compensation for employees in the classified service. The plan shall be constructed to provide fair compensation for all classes in the classification plan with due regard to such factors as:

(1) Varying degrees of difficulty and responsibility among the several classes of work.

(2) Prevailing rates of pay and fringe benefits for similar employment in private establishments and other public jurisdictions in the area.

(3) Recruiting experience for the several classes of work.

(4) Financial conditions of the city.

(b) The pay plan shall contain:

(1) Special and specific provisions for administering the plan.

(2) A basic salary grade for each position class in the classification plan.

(3) A basic salary schedule containing the minimum rate, maximum rate, and intermediate rate of pay for each salary grade; and a conversion of rates for basis of payment.

(4) The basis of pay indicating the number of weekly work hours in general application to the classified service or exceptions thereto.

(c) After consultation or offer of consultation with the council and employee representatives, the director shall prepare the pay plan for the various classes of work in the classified service. When completed, the plan shall be submitted to the mayor and the council for approval.

(d) The director shall furnish copies of the pay plan to all groups concerned and shall provide the opportunity for department heads, employees, and the public to present their views individually or collectively. Upon final adoption by the mayor and the council, the plan shall be certified by the director and delivered to the appropriate department heads. The plan shall become effective within 30 days after its adoption by the council.

(e) The pay plan shall be amended in accordance with the following procedures:

(1) When the mayor and the council add a new position class to the classification plan and fix the salary grade.

(2) Prior to amending the pay plan, the mayor and the council shall provide an opportunity for department heads and employees to present their views.

Section 12. Each employee in the classified service shall be paid at a rate set forth in the pay plan for the classification in which he or she serves, in accordance with the provisions for administering the pay plan.

(1) New appointments to the classified service shall be made at the beginning rate of the salary range for the classification to which the appointment is made.

(2) Salary advancement within established salary ranges shall be based on meritorious performance on the job and shall be in accordance with the provisions for administering the pay plan. An efficiency rating reflecting satisfactory performance shall be required for advancement. An employee with continued satisfactory service shall be eligible for future annual increases until such time as the maximum rate for the range is reached.

(3) In the event a classified employee is promoted, transferred, or demoted, his or her rate of pay for the new position shall be determined as follows:

a. Upon promotion, the incumbent's regular base pay shall determine the new rate in the promotional class. The new rate shall be the larger of:

1. A one step increase above the former rate.
2. The entrance rate for the promotional class.

b. When an employee is demoted, compensation shall be reduced to the salary prescribed for the class or grade to which demoted. The particular rate shall be determined by the period of employment in the classified service. In no event shall the salary exceed the maximum rate of the new classification.

c. When an employee is transferred from one department to another, the step in the pay range shall remain unchanged. All transfers shall be approved by the department head concerned, director of personnel, and the mayor.

(4) In the event the rate of pay of a supervisor is less than or equal to the base rate of pay of subordinates directly supervised in lower related classes, the rate may be advanced in grade by the mayor and the council. In no event shall the new rate be more than one pay step above the highest rate currently received by an employee in the lower class.

Section 13. (a) Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well qualified candidates for the various types of positions. Employment, therefore, shall not necessarily be limited to residents of Shelby County, Alabama.

(b) The personnel director shall prepare, or supervise the preparation of, recruiting notices to publicize vacancies and to provide candidates for the public service positions. Announcements shall set forth the time, place, requirements, and weight of various sections of tests and periods of application. The minimum periods of time between public notice and closing dates for applications shall be 14 days for open-competitive examinations, and seven days for promotional examinations.

(c) All applications for employment and examinations shall be made on forms prescribed by the director during the periods of time stated in the announcement. However, for good cause and in the interests of the service, the director may extend the closing date for accepting applications up to the examination date without reannouncement. All persons who appear to meet the minimum

requirements set forth in the public notice may apply for examination upon filing the prescribed forms within the time required. Notwithstanding the foregoing, the director may refuse the application of any person who has taken the same or a similar examination within 30 days prior to the scheduled examination. Application forms shall be furnished from the office of the board.

(d) As part of the preemployment procedure, former supervisors, employers, police, and FBI files, plus references provided by candidates shall be checked as a precaution against obtaining undesirable employees. Reference checks made by personal or telephone contact shall be documented and made part of the applicant's file. These reference checks may or may not be completed prior to an offer of employment and the information shall be handled as privileged information.

Section 14. (a) The director may remove from further consideration at any time the application of an applicant who:

- (1) Does not possess the minimum qualifications.
- (2) Has established an unsatisfactory employment or personnel record as evidenced by reference check that would demonstrate unsuitability for employment.
- (3) Has made false statement of any material fact or practiced deception or fraud in the application, examination, or medical history.
- (4) Is afflicted with any mental, physical, or medically disqualifying disease or defect that would prevent satisfactory performance of his or her duties.
- (5) Is believed to be addicted to or is a habitual user of drugs or intoxicants.
- (6) Has been guilty of infamous or disgraceful conduct.
- (7) Has an unsatisfactory driving record as evidenced by a pattern, frequency, or severity of traffic violations.
- (8) Has refused or failed to report for interview after certification to an appointing authority.
- (9) Has failed to report for duty at the time and place designated after appointment.
- (10) Has failed to respond to any official notice or phone call from the director or appointing authority.
- (11) Has failed to notify the personnel department or postal authorities of a change in address.
- (12) Has been certified and rejected three or more times.

(13) Has passed the maximum age prescribed in the announcement for the classification.

(14) For any other good cause not inconsistent with the intent of this act.

(b) All applicants disqualified shall be notified immediately. An applicant who is disqualified may appeal to the board within 10 days after notice by filing a written request for a hearing.

Section 15. (a) All appointments in the classified service, either at entrance level or promotional level, shall be made upon the basis of merit, efficiency, and fitness of applicants for positions determined as far as practical and possible by competitive examinations. All announcements and examinations shall be prepared and weighted under the supervision of the director. Examinations shall be thorough and practical and shall relate to those matters which fairly test the relative capacity and fitness of those examined to discharge the duties of the classification.

(b) Examinations may be assembled or unassembled, and either open-competitive, promotional competitive, a combination of promotional and open-competitive, or qualifying.

(1) An unassembled examination may be held whenever the director determines that applicants are not available in sufficient numbers to justify holding assembled examinations, and he or she may authorize conducting unassembled examinations. Unassembled examinations shall be continuous until the director determines that enough qualified applicants have been examined to establish an eligible list.

(2) An open-competitive examination is any examination in which competition is open to all applicants meeting the announced requirements for admission to the examination.

(3) A promotional examination is any examination in which competition is limited to present employees. The examinations shall customarily be restricted to employees serving in lower related classifications and possessing permanent status. However, additional training, education, or experience beyond permanent status may be required as determined by the director in the best interests of the service.

(4) A qualifying examination is for certain classes of work where competition is impractical or the needs of the service are such to render competition impractical, and the personnel director may provide for qualifying examinations. The examinations may be limited to employees of the public service to fill existing positions. The examinations may consist of an evaluation of the candidates' qualifications based upon efficiency rating by competent

authority and physical fitness to perform the work or other methods as may be determined by the director, not inconsistent with the needs of the public service.

(c) Examinations shall consist of any, all, or part of the following examinations, sections, parts, or tests. However, no questions in any examination, form, or application or any other proceedings shall be framed to elicit the political or religious beliefs of applicants, or in any way discriminate for or against an applicant because of his or her sex, nationality, race, or color.

(1) When required, a written test shall include a written demonstration designed to show the familiarity of competitors with the knowledge involved in the class of positions to which they seek appointment, their ability in the use of English, the range of their general information, or their general educational attainments. A formal essay upon one or more subjects may be required if desirable.

(2) A mental test when required shall include any test or tests, whether written or oral, to determine mental alertness, general capacity of applicant to adjust their thinking to new problems, or to ascertain special aptitudes, character, or personality traits.

(3) A performance test when required shall include tests of performance as would determine the ability and manual skills of competitors to perform the work involved.

(4) A physical test when required shall consist of tests of bodily condition, muscular strength, coordination, agility, and physical fitness of competitors. This may be given a weight in the examination or may be used in excluding from further examination those applicants who do not meet the required minimum standards.

(5) An oral interview when required shall include a personal interview with competitors for classes of positions where ability to deal with others, to meet the public, or other qualifications are to be determined. An oral test may also be used in examinations where a written test is unnecessary or impractical.

(6) When required, training and experience shall be marked from the statements of the education and experience contained in the application form or from whatever supplemental data as may be required. Results of the reference checks may be a part of the evaluation of training and experience.

(7) A medical examination to determine that applicants are physically capable of performing efficiently the duties of the position and are free from such defects or diseases that would constitute employment hazards to themselves, or endanger the safety, health, and welfare of fellow employees or others is required.

Medical examinations may be performed by the city's designated physician or physicians in accordance with the city's duly adopted medical standards. Medical reevaluation on any classified employee may be ordered by the director if at any time the employee's performance of duties becomes deficient, or if the health or physical condition of the employee constitutes an employment hazard to the employee or endangers the safety, health, and welfare of fellow employees or others.

(8) The director may, in cases of physical handicaps or medical conditions, permit the employment of handicapped eligible candidates who may not meet all of the physical or medical requirements of the classification. If the eligible candidate is physically and medically capable of performing all of the duties of the specific position under consideration without risk to the health, safety, and welfare of others or himself or herself, and that the physical or medical conditions are not progressively deteriorating conditions.

(9) Additional promotional examination provisions are parts of the examination process or content and are in addition to those cited in subdivisions (1) to (8), inclusive. They are applicable only to examinations on promotional or promotional open-competitive examinations.

a. In the event of the announcement of an examination on a promotional basis, the preceding employee efficiency rating or promotional potential rating form of employees who make application shall be used in addition to the other announced requirements to establish eligibility for examination. The minimum efficiency grade or rating for promotional eligibility shall be a superior rating or the numerical designation as may reflect superior performance and potential as determined by the director.

b. Each promotional candidate who attains an overall passing grade of 70 or more on the required announced or weighted tests, parts, or portions of a promotional basis examination shall have added to his or her grade or score one point for each year of full-time employment in the classified service up to and including 20 years. All absences from duty excepting vacations and sick leave allowances, plus military leaves, shall be deducted to determine credit to be allowed for seniority credits.

Section 16. (a) Sound measurement techniques and procedures shall be used in rating the results of tests and determining the relative ranking of the candidates. In all examinations the minimum rating standards for each test, or parts or sections thereof shall be established under the supervision of the director. Candidates may be required to attain at least a minimum rating on each test in order to receive a passing grade or to be rated on

the remaining parts of the examination or test. No person whose final earned average on the examination is less than 70 shall be placed on the employment register. The final earned rating of a competitor shall be determined by averaging the earned rating on each part of the examination in accordance with the weight established for each part prior to the date of the examination and announced in the public notice of the examination.

(b) Whenever two or more applicants have a like final earned average, ties shall be resolved by the following order of methods:

(1) First, the order of ratings on the most heavily weighted part of the examination shall be used.

(2) If a tie still exists and the candidates are competing on a promotional basis, the candidate with the greatest seniority in the service shall be ranked first.

(3) If a tie still exists, then the date of application for examination shall be used.

(4) If a tie still exists, then the date of original application for employment shall be used.

(5) Finally, if a tie still exists, then the lowest application number of the applicants shall be used.

(c) Each person who takes an examination shall be notified by mail of his or her standing in the group or of his or her failure.

(d) Each person who takes a promotional examination shall be entitled to inspect the examination rating with the appropriate scoring key for 30 days after notices of results have been mailed. The questions used in promotional and other tests and examinations may be kept confidential and not subject to inspection at the discretion of the director. All examination papers may be destroyed upon the expiration of the eligible register and exam papers of failing applicants may be discarded 60 days after examination.

(e) No request for a change of an examination rating shall be entertained by the director unless the request is made within 30 days after notice to the applicant of his or her rating, and the applicant specifies the matters to which he or she objects. No change in ratings shall be made unless some manifest error shall appear in the face of the paper. Notwithstanding the foregoing, no appointment previously made shall be changed or cancelled. If a review of rating results in a change of position on a list or register, all persons so affected shall be notified by mail.

(f) With the approval of the board, the director may order a special or supplementary examination giving reasons therefor in writing. A classified employee with permanent status who is prevented

from competing in a promotional examination for a valid reason beyond his or her control, or because of his or her absence on an authorized military leave, and who is reinstated to his or her position before the expiration of the eligible list, shall, upon his or her request, be given the opportunity to take the same or an equally difficult examination. No request for supplemental examination shall be entertained after 24 hours from the date and time of the announced examination. The director shall determine if the same test or one of equal difficulty shall be entered on the original promotion list in accordance with his or her final earned average. If the final earned average of the employee is higher than that attained by the person who was last promoted from that list, and if the vacancy filled by the promotion was in the department in which the employee is employed, he or she shall be entitled to be certified immediately. However, no applicant competing on an open basis shall be granted a special or supplementary test unless the failure of an applicant to appear at the stated test was due to manifest error on the part of the director or his or her staff.

(g) If during an examination, an applicant is found to be using, without permission, any extraneous information such as other candidates' papers, memoranda, crib notes, pamphlets, or books of any kind, his or her test papers shall be taken and the director shall give them a grade of zero and note on the test papers the reason for the marking. The applicant shall be barred from taking any future examinations. No person shall willfully or corruptly make a false mark, grade, estimate, or report on an examination with respect to the proper standing of any person examined, or willfully or corruptly make any false representation concerning any person examined; or furnish to anyone special or secret information for the purpose of improving or injuring the prospects or chances of the appointment, employment, or promotion of any person examined or to be examined. Any person guilty of these acts is guilty of a misdemeanor.

(h) The director may cancel, postpone, reschedule, or reannounce any examination for any good and sufficient reason deemed in the best interest of the service. Irregular incidents shall be reported to the board and appear in writing with the reason for the action.

Section 17. (a) The director shall establish and maintain any eligible or employment registers for the various classes of positions deemed necessary to meet the needs of the service. Names of eligibles shall be placed on lists in the order of their examination grades ranked from highest or first to lowest or last.

(1) Open-competitive lists shall contain the names and final grades in order of rank for those applicants attaining a minimum

passing score on the open-competitive examination. Duration of the lists shall be for a period of one year from the date of approval by the board unless the list is depleted or extended by action of the board.

(2) Promotion lists shall contain the names and final ranked grades of employees attaining qualifying grades on promotional competitive examinations. Duration of the lists shall be for one year from the date of approval by the board unless the list is depleted or extended by action of the board. In the event that a combination open-promotional list is established, the promotional list shall take precedence over the open list.

(3) A layoff list is an eligible list which contains the names of former permanent status employees who were separated from various classes because of a lack of work or funds, or whose positions were abolished as a result of departmental reorganization or for some other just reason. The names of the former employees shall be placed on the list in the order of seniority. Duration of the lists shall be for a period of two years. Employees in probationary status shall have their names reinstated at the top of the appropriate eligible list. When there are two or more employees who are equal in seniority, they shall be placed on the layoff list in the order of their efficiency records. The method of defining layoff procedure shall be determined by the director in accordance with this act.

(4) In the absence of an eligible list for a particular class within which a vacancy exists, the director may certify from a list of a related class that the director deems appropriate. The appropriate or related list shall be for a class having substantially the same requirements as the class in which the vacancy exists, and the pay range shall be commensurate between the classes.

(b) Whenever there are fewer than three names of available eligibles remaining on a list, or if a demand is anticipated for more candidates for employment than an existing list may satisfy, the director may order a new examination and shall consolidate the existing names on the list with the new names. All persons whose names appear on an existing list that is to be merged after a new examination shall be notified of the opportunity to compete in the second examination. Should the persons elect not to appear or refuse reexamination, their names shall be certified first from the new consolidated list for a period of one year from the date the original list was approved by the board. Should they elect to be reexamined, the grade earned on the last examination shall be their official grade without regard to their previous grade. The names of candidates who compete successfully on unassembled examinations shall have their names integrated on the eligible lists in the order dictated by their grades. However, notice to existing eligibles as to

their relative positions on the lists shall be waived and an appropriate notice shall be placed on the announcement of this process.

(c) When an applicant is employed through certification, his or her name shall be removed from the appropriate eligible list. In addition to the reasons for disqualification cited in this act, eligible candidates shall have their names removed from eligible lists at the expiration date of the eligible list.

(d) (1) Any former employee with permanent status who has been separated from the classified service without fault or delinquency may, within two years from the date of resignation or separation, request reinstatement to the appropriate eligible list for the class in which he or she served. The request shall be made in writing and subject to the recommendation of the director and the approval of the board. Upon approval, the name of the former employee shall be placed at the bottom of the appropriate open-competitive list for one year's duration.

(2) Unless otherwise determined by the board, a former employee so appointed shall enter at the beginning rate for the class and shall serve a probationary period for one year. In addition to the foregoing conditions, the applicant for reinstatement shall meet the physical standards for the class for which reinstatement is applied. The medical examination shall be administered by a physician designated by the board and the applicant shall bear the cost of the examination. As a further requirement, the age of the applicant at the time of reinstatement shall not exceed the maximum age as specified on the last examination announcement for the class to which reinstatement is requested.

Section 18. (a) Based on the receipt of an authorized requisition from an appointing authority, the director shall certify or refer the name of eligibles from the appropriate eligible lists in the following priority and manner:

(1) First, the name of the ranking former employee of the department for each vacancy from the layoff list, if any, who shall be appointed.

(2) Second, the five ranking names of former employees of other departments for each vacancy from the layoff list, if any, shall be used.

(3) Third, the five ranking names of the employees of a department for a vacancy, if and only if, they are the ranking eligibles on the promotional list from the department in which the requisition originated, shall be used.

(4) Fourth, for each vacancy, the five ranking names of employees from other departments on the promotional list, if any, shall be used.

(5) Fifth, for each vacancy, the five ranking names of eligibles from the open-competitive list, if any, shall be used.

(6) Sixth, in the absence of an eligible list for the class and at the discretion of the director, the names of eligibles from an appropriate or related list, if any, may be used. The five ranking names of eligibles on related lists shall be certified for each vacancy.

(7) In general, all entry level positions to be filled from open-competitive lists shall be filled by the rule of five with one additional name for each vacancy past the first vacancy.

(8) In the event the city accepts and utilizes federal funds for the creation of public employment opportunities, the positions, when budgeted on a full-time basis for 12 months, shall be treated as any other regular position in the classified service being entitled to earn and use sick and vacation leave in the customary manner. If the applicable federal regulations controlling the use of the funds prescribe unusual or exceptional prerequisites for employment in the program, the director, subject to approval of the board, may prescribe the manner in which the position shall be filled and related conditions of employment.

(9) In filling promotional level positions from promotional lists, the rule of five shall apply, and if more than one vacancy is to be filled, one additional eligible for each additional vacancy shall be certified.

(b) Bypassing of names on eligible lists shall be administered as follows:

(1) No employee, whether permanent or probationary, who has been suspended or otherwise disciplined shall be certified as eligible for promotion or advancement to another class or position within one year following the imposition of the penalty.

(2) Before being certified, an eligible may waive certification rights for a period not to exceed six months. A waiver request by an eligible shall be in writing stating the reasons for the request. The request shall be approved by the director, taking into consideration the needs of the service and interest of the employee. During the period for which waiver is granted, the eligible shall not be certified or considered for appointment.

(3) Any department head may request a waiver of certification of an employee from a promotional list and shall so state in writing to the employee with a copy to the director. To waive as requested, the employee shall reply to the employer in writing with a copy to the director.

(4) Except as otherwise provided in this act, no eligible shall be bypassed for certification.

(c) (1) The director shall certify the following additional eligibles: one for each eligible who, after certification, either declines appointment at the time of interview or offer of employment, or who is subsequently disqualified.

(2) An appointing authority may exercise his or her right of five eligibles who are willing to accept appointment before making the final selection for employment. However, if an appointing authority exercises this prerogative, no provisional appointment shall be authorized if more than one and less than five eligibles are available who are willing to accept employment. The reannouncement of the examination to establish a new list shall be at the discretion of the director, but shall not come later than 45 days after receipt of the request.

Section 19. (a) (1) Vacancies and newly created positions in the classified service shall be filled either by transfer, promotion, appointment, reappointment, or demotion.

(2) When a vacancy exists for a department head, the mayor shall inform the director of the vacancy. The director shall then certify to the mayor, eligibles from the appropriate list. The mayor, with approval of the council, shall then make an appointment from the names certified to him or her within 10 days after the posting of the certification.

(3) Whenever a vacancy exists within a department of the city, the department head shall submit to the director a statement of the title of the position, and if requested by the director to do so, a statement of the duties and desired qualifications of the position. The director shall then certify to the department head from the appropriate lists. The department head shall then make an appointment from the names certified within 10 days after the posting of the certification, or shall notify the director, in writing, of the withdrawal of the requisition with the reasons for the withdrawal.

(b) Appointments to the classified service shall be one of the following types:

(1) An appointment to a full-time permanently budgeted position made from a certified eligible list shall be a probationary period. The probationary period shall be an integral part of the examination process, and shall be utilized to evaluate the employee's performance on the job and for dismissing any employee who does not meet the required standards of performance. The probationary period shall be one year from the date of appointment with no interruptions in service.

a. An employee in probationary status may be discharged without the right of appeal.

b. A promotional probationer who is demoted for unsatisfactory service may return to the position held prior to appointment, if still vacant. In the event the position is filled, the director shall determine the manner in which the employee shall be retained in the service, being closely guided by the provisions governing layoffs and reductions in force. The demoted employee may elect to separate from the service and have his or her name retained on the layoff list for the classification of the former position for a period not to exceed two years.

(2) Employment of an eligible from an eligible list in a full-time permanently budgeted position, after the satisfactory completion of a probationary period, shall be a permanent appointment.

(3) In the absence of an eligible list, the director may, for urgent need, authorize the filling of a vacancy by provisional appointment. Any candidate for provisional appointment shall meet educational, experience, and related requirements set by the director. Provisional appointment shall be for a period of not more than four months. No provisional appointment shall be continued for more than 10 days after the establishment of an eligible list for the class. Any provisional employee failing to qualify by examination shall be separated from the service after the appropriate eligible list is certified. The provisional appointment of an individual shall not confer on the appointee any rights of status, appeal, or related rights set forth under this act.

(4) The appointment set forth in this subdivision may be made to fill positions of a seasonal, part-time, temporary, student, or intern nature. An appointment set forth in this subdivision shall not confer any right of status, appeal, or any related right.

a. Seasonal appointments may be granted for work which is seasonal in nature. No seasonal appointment shall extend beyond four months or the work season in question. All candidates to be considered shall meet the requirements set by the director.

b. Part-time appointments may be granted for work which requires the service of an employee for less than the number of hours of a full-time or typical work week. Candidates for appointment shall meet the requirements set by the director.

c. Student and intern appointments have the purpose of affording students of public administration, and other professional areas, an opportunity to gain actual work experience in the public service. The appointments are viewed as intermittent employment for a definite period of time, not to exceed six months of full-time work in any 12-month period. Candidates for appointment shall meet the requirements set by the director.

d. Temporary appointments may be granted for positions in departments in which work loads may fluctuate and require the

services of some employee on a full-time basis up to, but not over six months duration. Candidates for temporary appointments shall meet the requirements set by the director.

e. During a war or nationally declared emergency period, the director may, in the absence of any appropriate eligible list, authorize a limited tenure appointment without examination. The appointment shall be for not longer than the duration of the war or emergency plus six months, and shall give the persons appointed no status in the classified service.

f. An emergency, as used herein, means an unforeseen condition which is likely to cause loss of life or loss or damage to property or the stoppage of service, or serious inconvenience, to the public. Upon receipt of request from a department head citing the emergency condition, the director may authorize an emergency appointment not to exceed 30 days. The manner of appointment and rate of compensation shall be set by the director.

g. Positions created in the classified service through federally financed public employment programs, Comprehensive Employment and Training Act, and related programs shall terminate at cessation of the federal funding and shall not confer any right of tenure or permanency to incumbents.

h. An eligible who has been temporarily appointed or appointed to a seasonal or part-time position from an eligible register and who at the time of the appointment was a ranking eligible at the time of certification, willing to accept the appointment under the conditions and for the period stated, may be permanently appointed to the position irrespective of the number of higher ranking eligibles available only for permanent appointment. The appointment may be made only when:

1. The fact that the position would become permanent was not known to the department head at the time the temporary, part-time, or seasonal appointment was made.

2. The incumbent has worked the stipulated time period for which the initial appointment was made.

- i. All permanent appointments arising out of the foregoing provisions must be approved by the director.

(c) No officer or employee of any department of the city shall make or approve any payment for personal services to any person holding a position in the classified service unless the position was filled from a certified list of eligibles approved by the director. The director may refuse to certify the payroll, voucher, or account of any ineligible person found to be performing the duties of a position.

Section 20. (a) Vacancies in positions above the lowest rank in any category in the classified service shall be filled as far as practical by the promotion of employees in the service. In each case, the director shall determine whether an open-competitive or promotional examination will serve the best interests of the service in attracting well qualified candidates. Promotions in every case must involve a definite increase in duties and responsibility. The change of an employee from a position in a class to a position in another related occupational class for which the maximum rate is higher shall be deemed a promotion.

(b) (1) An employee may be demoted to a position of a lower grade for which he or she is qualified for any of the following reasons:

a. The employee would otherwise be laid off because the position is being abolished or reclassified to a different grade, there is a lack of work or funds, or another employee returns to the position from an authorized leave.

b. The employee does not possess the necessary qualifications to render satisfactory service in the position.

c. The employee is removed during probation.

d. The employee voluntarily requests the demotion.

e. The employee is demoted for disciplinary reasons.

(2) All demotions shall be approved by the director and the appointing authority. If a nonprobationary employee is demoted against his or her will, he or she may appeal to the board as provided in this act.

(3) The change of an employee from a position in a class or job to another class or job for which the maximum rate is lower shall be deemed a demotion and shall be effected in accordance with this act.

Section 21. (a) A department head may, at any time, assign a classified employee under his or her jurisdiction from one position to another in the same class regardless of the shift, location, hours of work, or other consideration as long as the work-week basis remains the same. Any transfer made pursuant to this subsection shall be made with the retention of all rights of seniority, vacation, sick leave, and overtime as the employee may have accrued.

(b) A department head may assign any employee in the classified service under his or her jurisdiction any duties as long as the duties are within the same classification. No employee in the classified service may be assigned duties of a different class for a period

in excess of one year. Any and all assignments outside the classification shall be immediately reported to the director.

(c) In the event that it becomes necessary because of lack of work, lack of funds, or advisable in the interest of economy to reduce staff, the following procedure shall govern the layoff:

(1) The reason for the layoff shall be reported in writing and shall stipulate the number and classifications to be affected.

(2) The director shall determine, in consultation with the appointing authorities, the organizational units to be affected by the layoff.

(3) If the reduction is departmental, then the layoff shall be made by laying off the employees in the classification to be affected by the layoff who are provisional, temporary, seasonal, part-time, or probationary, if any. From that point, layoff shall be of permanent employees in the classification on the basis of their relative seniority. In the event there are two or more employees who would be affected by the layoff and have equal seniority, the employee who stands lowest on the efficiency or performance ratings last regularly filed with the director shall be laid off first.

(4) If the reduction is of a general nature or citywide, the director, after consultation with appointing authorities, shall determine the manner of layoff, taking into consideration the number and classification of positions to be reduced. In all instances, seniority shall govern except in the cases of two or more employees having equal seniority, in which case, efficiency or performance ratings shall be applied as provided in this act.

(5) Subject to subdivisions (6) to (8), inclusive, an employee who is laid off in a department that has other classifications or grades lower than the classification or grade from which the employee is laid off, may work in any other lower classification or grade in the same department, if the director finds that he or she is qualified to perform the duties of the lower classification or grade.

(6) Where an employee laid off elects to drop to a lower classification or grade, and where the appointing authority reduces the number of employees in the lower classification or grade, the reduction shall be made in the same manner provided by this act for layoffs, except that the reduction shall in no case cause the layoff of any permanent employee in the lower classification or grade who has more seniority in the department than the employee laid off from the higher classification or grade. A person laid off from a classification or grade shall have the right, while in the service or on the layoff list, to return to the position from which he or she is laid off in the event the position is refilled.

(7) The duties performed by an employee laid off may be assigned to any other permanent employee in the department or office, who in the opinion of the director, is qualified to perform the duties regardless of the specific classification or grade to which the employee is allocated.

(8) Any employee affected by a layoff shall be given notice of at least 15 days.

Section 22. (a) The tenure of every employee in the classified service shall be conditioned on the satisfactory conduct of the employee and the continued efficient performance of assigned duties and responsibilities. An employee serving a probationary period may be disciplined or dismissed by an appointing authority without right of appeal. The reasons for the action shall be furnished in writing to the employee and the director. A permanent employee may be dismissed, demoted, or suspended for cause or for any reason deemed to be in the best interest of the public service and shall have the right of appeal as set forth in Section 23 of this act.

(b) The following are among the causes which are sufficient for dismissal, demotion, or suspension:

- (1) Absent without leave.
- (2) The commitment of any criminal act.
- (3) Conduct unbecoming an employee in the public service.
- (4) Conviction of a criminal offense or of a misdemeanor involving moral turpitude.
- (5) Disorderly or immoral conduct.
- (6) Failure to pay or make proper provision for the liquidation of just debts.
- (7) Incapacity due to mental or physical disability of a permanent nature.
- (8) Incompetency or inefficiency.
- (9) Insubordination.
- (10) Intoxication while on duty or public intoxication while off duty.
- (11) Neglect of duty.
- (12) Negligence or willful damage to public property or waste of public supplies or equipment.
- (13) Violation of any regulations or orders published, made, or given by a superior officer.

(14) Willful violation of any provision of this act.

(15) For any other reason deemed to be in the best interest of the public service.

(c) (1) Notice of dismissal or demotion shall be in writing and shall set forth:

- a. The cause of action.
- b. The date dismissal or demotion is to become effective.
- c. Any other information deemed appropriate.

(2) A copy of the notice shall be delivered to the director on the same day that the notice is served on the employee. Notification shall be made prior to or on the date the dismissal or demotion is to be effected.

(d) A department head may suspend without pay an employee in the classified service. In the event the suspension or suspensions do not exceed an aggregate of five calendar days as a singular offense or 10 days cumulative in any year of service, the employee shall not have the right of a hearing. If the suspension or suspensions exceed the five-day limitation for a single offense or 10-day cumulative limitation, a permanent employee may appeal as provided in Section 23 of this act. The suspension shall be effected by service upon the employee by the department head of a written statement of the delinquency for which suspension was made with a copy delivered to the director. The suspended employee may file an answer with the board and the department head.

Section 23. (a) An employee with permanent status may appeal disciplinary action of dismissal, demotion, or suspension. An employee desiring to appeal shall, within 10 calendar days after notice of disciplinary action, file with the director in duplicate, a written answer to the charges and request a hearing. The answer shall contain:

- (1) The reason of dismissal, demotion, or suspension.
- (2) An admission or denial of guilt.

(3) Reasons why the dismissal, demotion, or suspension should not take effect. Upon receipt of the appeal, the director shall forward a copy thereof to all parties concerned.

(b) (1) The board shall order a public hearing of the charges. The hearing shall be for the purpose of determining whether or not the employee, by reason of his or her act or acts as charged and his or her record of service, merits retention in the service or should be removed therefrom or otherwise disciplined. To that end, the board shall not be bound by the technical rules of evidence but

shall diligently seek all the information bearing on the merits of the case. Either party at interest may be represented by counsel.

(2) The hearing may be before the board or a hearing officer appointed by the board. If the matter is heard by a hearing officer appointed by the board, the hearing officer shall be a practicing attorney licensed in the state of Alabama who shall take testimony offered in support and denial of the charges and therefrom shall submit to the board within five days, a finding of facts involved and a recommended decision. The board at its next regular or special meeting shall consider the report and modify, alter, set aside, or affirm the report and certify its findings to the appointing authority who shall forthwith put the same into effect. If the personnel board hears the charges, it shall make its own opinion and decision.

Section 24. (a) (1) Discovery may be obtained by one or more of the methods provided under the Alabama Rules of Civil Procedure, including, but not limited to, written interrogatories, depositions, requests for production of documents or things for inspection or copying, and requests for admissions addressed to parties. The Alabama Rules of Civil Procedure may be used as a general guide for discovery practices and proceedings before the board. However, the Alabama Rules of Civil Procedure shall be deemed instructive rather than controlling. A party seeking discovery from another party shall initiate the process by serving a request for discovery on the other party.

(2) When a request for discovery is directed to an officer or employee of the city, the city shall make the officer or employee available on official time for the purpose of responding to the request, and shall assist the officer or employee as necessary in providing relevant information that is available to the city. A party seeking discovery from a nonparty officer or employee of the city shall initiate the process by serving a request for discovery on the nonparty officer or employee. Discovery from other nonparties may be initiated by serving a request for discovery on the nonparty directly. Absent a request or upon failure to obtain voluntary cooperation, discovery from a nonparty may be obtained by a written motion directed to the board or a hearing officer appointed by the board, showing the relevance, scope, and materiality of the particular information sought, and in addition in the case of a deposition, the date, time, and place of the proposed deposition.

(3) A ruling on the motion shall be issued by the board or a hearing officer appointed by the board that shall be served on the moving party as well as the director. If the motion is approved, it shall be the duty of the director to subpoena the individual or entity from which discovery is sought, specifying the manner and

time limit for compliance. Initial requests of motions for discovery shall be served within 20 calendar days after an employee desiring to appeal disciplinary action of dismissal, demotion, or suspension, files with the director a written answer to the charges and requests a hearing. A party or nonparty shall file a response to the discovery request promptly, but not later than 15 calendar days after the date of service of the request or an order of the board.

(b) The director shall subpoena witnesses other than character witnesses, for or against the employee upon written request and affidavit that their testimony is necessary. Employees in the classified service shall be required to attend and testify without subpoena.

Section 25. (a) The board shall render its decision within 10 calendar days after the conclusion of the hearing which shall forthwith be certified to the appointing authority who shall enforce the decision. Copies of the decision shall be delivered to all other parties at interest. The board may rescind, modify, or increase the penalty imposed by the appointing authority as warranted by the facts adduced at the hearing.

(b) The board may require that testimony introduced at hearings be recorded, but not transcribed, except upon further order.

(c) (1) Any person who desires to file charges against an employee shall file the charges in writing and shall recite therein the specific act or acts of the employee constituting the cause. The director shall serve a copy of the charges on the accused employee and shall fix a day for the hearing.

(2) The accused employee shall, within five calendar days after service, file a written answer to the charges. Failure on the part of the accused employee to file the answer shall be deemed an admission of the truth of the charges without further investigation or hearing on the part of the board. If the hearing is held before the director, the testimony shall be recorded. A decision shall be rendered by the board in accordance with this act.

(d) An employee in the classified service may also be dismissed, demoted or suspended upon charges made by the director. Charges preferred by the director shall be served on the employee and a public hearing shall be scheduled by the board within the time and manner prescribed in this act.

(e) Any employee who is dismissed for cause shall forfeit all vacation allowances.

(f) (1) The decision of the board based upon all proceedings before the board shall be final and may be appealed by either party to the circuit court to review questions and whether or not

the decision or order of the board is supported by substantial and legal evidence. On the appeal, the circuit court shall review the record and shall affirm, reverse, remand, or render the cause.

(2) The decision of the board shall be controlling until reversed on appeal as provided for herein. The appeal shall be perfected by filing with the director a statement in writing, signed by the party appealing, to the effect that the party appeals from the decision or order of the board to the circuit court. The statement shall be filed within 10 calendar days from the announcement of the decision or order of the board.

(g) (1) Any employee suspended without right to a hearing before the board may obtain a review of the suspension by the appointing authority by filing with the appointing authority, not more than 10 days thereafter, a written answer to the charges and a request for the review. A hearing shall be held thereon not more than 20 days thereafter to determine whether the suspension should be rescinded.

(2) At the hearing, the employee may be represented by counsel and present relevant testimony. The appointing authority may authorize a representative to conduct the hearing and submit within five days thereafter a finding of facts together with recommendations to the appointing authority. Within a period of 10 days after the hearing, the appointing authority may rescind all or any part of the suspension. A suspended employee shall be entitled to full salary for any period of suspension rescinded hereunder.

Section 26. (a) The hours of work shall be fixed by the council with due regard to the convenience of the public, and to working hours customarily observed in the community.

(b) The following types of leave are officially established: holidays, vacation leave, injury leave with pay, overtime leave, military service leave, jury leave, leave for special meetings and examinations, and leave without pay.

(c) The absence of an employee from duty shall be reported to the director by the department head. Absences shall be reported on the form prescribed by the director and shall be forwarded immediately to the personnel office when the employee returns to duty, or at the close of the payroll period if the employee has not returned to duty, or at the end of the month if the employee has not returned to duty. The director shall maintain attendance and leave records on all classified employees.

(d) If a department head fails to report the absence of an employee and the employee is paid in excess of the amount due him, the department head shall be liable for the overpayment.

(e) An employee who is absent without leave shall be subject to the provisions of this act governing suspensions and dismissals.

(f) Under no circumstances shall seasonal, temporary, or part-time employees be allowed to earn or use vacation leave, sick leave, military leave, or holiday leave except as otherwise provided in this act.

(g) Vacation leave, sick leave, and overtime leave shall not be allowed in advance of being earned. If an employee has insufficient leave to cover a period of absence, no allowance shall be posted in advance or in anticipation of future leave credits. In such cases, payroll deductions for the time lost shall be made for the pay period in which the absence occurred.

(h) The mayor shall fix by resolution, the holidays that their employees shall observe. Employees on nonpay status, such as a leave of absence or on paid military leave, shall not earn additional time for holidays. All employees of the city shall receive the same number of holidays. Employees who are required to work on an observed holiday shall be compensated in accordance with this act.

(i) All employees holding regular full-time positions in the classified service shall earn and accrue vacation leave with pay.

Section 27. (a) Upon completion of 12 months service at a regular position, an employee may use vacation leave. The scheduling of such vacation leave shall be determined by the department head with due consideration to seniority, length of service, and request of the employee, except when a vacation leave has not been allowed an employee at any time during the calendar year, the employee may demand a vacation leave not exceeding 10 work days.

(b) For the purpose of computing vacation leave, each week of seven days, excluding holidays, shall be considered as containing not less than five work days. Employees whose basis of pay is other than the standard work week, such as fire department personnel, shall earn and use vacation leave time in a comparable manner as set by the director.

(c) An employee holding a regular position shall earn vacation leave in accordance with his or her longevity of service as follows:

0 to 1 year – 6 days

2 years – 7 days

3 years – 8 days

4 years – 9 days

5 years – 10 days

6 years	– 11 days
7 years	– 12 days
8 years	– 13 days
9 years	– 14 days
10 years	– 15 days
11 years	– 16 days
12 years	– 17 days
13 years	– 18 days
14 years	– 19 days
15 years	– 20 days – maximum

(d) Vacation leave earned but not used during the calendar year may be accumulated up to a maximum of 40 days. Vacation leave earned in excess of the maximum accumulation stipulated not used by December 31 shall be forfeited, unless extenuating circumstances indicate a different handling is desirable in the opinion of the director.

(e) Vacation leave is subject to the following restrictions:

(1) An employee shall not earn vacation leave during a leave of absence without pay, a suspension, or when the employee is otherwise in a nonpay status for more than 15 calendar days in a month. An employee currently using supplemental sick leave shall not earn additional vacation or sick leave during the period when the employee is on supplemental sick leave.

(2) An employee who is dismissed for cause or resigns in bad standing shall be paid for earned vacation leave.

(3) A department head shall not require an employee to forfeit earned vacation leave as punishment through the action of suspension.

(4) The maximum vacation leave that may be granted during a calendar year is four weeks.

(5) Vacation leave shall not be taken for less than one-half day at a time.

(f) All employees holding regular positions shall be allowed to earn and accrue sick leave. Sick leave is not a right for which employees may make demand, but a privilege granted in accordance with this act which may be changed as the best interests of the service demand.

Section 28. (a) Upon completion of 12 months service in a regular position, an employee may use sick leave.

(b) For the purpose of computing sick leave, each week of seven days, excluding holidays, shall be considered as containing not less than five work days. Employees whose basis of pay is other than the standard work week, such as fire department personnel, shall earn and use sick time in a comparable manner as set by the director.

(c) Sick leave shall be earned at the rate of one work day for each month of service. Sick leave earned during the calendar year but not used may be accumulated up to a maximum of 120 days. Sick leave earned in excess of the maximum shall be held in a special reserve and may be granted as a supplementary sick leave in accordance with this act.

(d) An employee shall be granted sick leave for the following reasons:

(1) Personal illness of the employee, including, but not limited to, inability to work due to pregnancy, childbirth, or related medical conditions.

(2) Personal physician and dental appointments.

(3) Illness arising from exposure to contagious disease endangering the health of the employee.

(4) Illness in the employee's immediate family which necessitates an absence from work. In this case, "immediate family" means the employee's spouse, children, and parents.

(5) Death of the employee's spouse, child, parent, parent-in-law, sister, or brother.

Total absences allowed under subdivisions (4) and (5) combined shall not exceed six days in any calendar year.

(e) (1) An employee who is absent on sick leave continuously for a period of two work days or more shall submit a doctor's certificate or other written evidence to substantiate the sick leave usage. Such certification shall include the following:

a. The diagnosis.

b. A confirmation that the diagnosed condition renders the employee incapacitated to perform position duties.

c. The probable period of the incapacitation.

(2) The appointing authority or director may require a certification to substantiate sick leave claims of less than five work days.

(f) Sick leave shall be subject to the following restrictions:

(1) An employee shall not earn sick leave during a leave of absence without pay, a suspension, or when the employee is otherwise in a nonpay status for more than 15 calendar days in a month. An employee currently using supplemental sick leave shall not earn additional vacation or sick leave during the period when he or she is on supplemental sick leave.

(2) Sick leave shall not be granted to an employee whose absence from duty is a result of his or her own misconduct. Absence for that cause shall be reported as absence without leave and shall subject the employee to disciplinary action.

(3) Sick leave shall not be granted to an employee whose absence from duty is caused by injury or disability sustained as a result of employment outside the classified service.

(4) Sick leave accumulation shall be forfeited upon separation or retirement from the classified service except as otherwise provided in this act.

(5) Days of sick leave cannot be taken immediately prior to or after vacation leave or scheduled holiday leave, unless it is because of an emergency.

(g) An employee who, as a result of personal illness, has exhausted his or her accumulated sick leave, may, upon approval by the board, be granted supplemental sick leave in an amount not to exceed the number of days of sick leave the employee may have earned but did not receive credit because of having accumulated the maximum of 120 days. Every application for the allowances shall be supported by the certificate of a licensed physician and by any other proof of disability as the board may deem necessary. Supplemental sick leave shall be granted only for recuperative purposes as stated by competent medical authority.

(h) (1) An employee who sustains a disabling injury without fault or negligence on his or her part while performing the duties of his or her position may be granted leave with pay by the board. Each application for the leave shall contain a statement by the employee and affirmed by his or her supervisor setting forth the details of the accident on forms prescribed by the director, and supported by a doctor's certificate setting forth the nature and extent of the injury and the probable period of disability. Injury with pay leave may be granted up to a maximum of six calendar months.

(2) The leave with pay benefit provided by this rule shall be complementary to any worker's compensation benefits payable under state law. The amount of the complementary benefit shall

equal the difference between the amount of worker's compensation and the amount to which the employee would have been entitled. In no case shall the total amount of benefits, taking into account the worker's compensation benefits and the benefits provided by this act, exceed the base salary for the employee established in the classified service pay plan for the period during which the disability exists.

(3) If an employee is unable to resume his or her duties after six months' injury leave, absences shall be charged against his or her accumulated sick leave, vacation leave, and overtime, in that order. In the event an employee is unable to resume his or her duties at the expiration of his or her accumulated sick, vacation, and overtime leave, he or she may retire from the service, if eligible, or request a leave of absence without pay in accordance with this act.

Section 29. In accordance with the pay plan for the classified service, the rates of compensation set forth in the plan as certified are based on a 40-hour work week unless otherwise noted, as in the case of fire department personnel. Work performed in the classified service in excess of the normal work week, as set forth in the pay plan, shall conform to the following:

(1) Overtime work shall be authorized only in the following cases:

a. In the event of fire, flood, catastrophe, or other unforeseeable emergency.

b. Where it is necessary to staff a work station and another employee is not available to work.

c. To provide essential services when the services cannot be provided by overlapping work schedules.

d. To carry on short-range projects in which the utilization of present employees is more advantageous to the agency than the hiring of additional personnel.

e. In general, no employee shall be regularly scheduled to work overtime. Exceptions, based on seasonal variations in work programs, shall be recognized when approved by the appointing authority.

(2) a. All employees in the classified service shall be subject to these provisions except incumbents in those classes of work which are deemed by the board to be on a job basis, whereby the number of hours in a work week are not considered a factor in establishing the pay grade. Positions on a job basis are administrative, managerial, or carrying program management responsibility, or of

such an occupational nature that reflecting community, private industry, and public employment practices which clearly places the occupation on a job basis. Positions so designated as "job basis" shall be identified and recommended by the department head subject to approval by the board. Amendments to the established list may be made by the director.

b. The job-basis list shall be posted in the various departments and otherwise be given wide circulation. Employees in the job-basis category shall not receive overtime credit. The department head shall, however, be permitted to develop a uniform working arrangement whereby adequate overtime records shall be kept and provision for reasonable time off granted in those cases which, by the excessive number of hours worked, create a hardship on the employee.

(3) Overtime shall be defined as any work performed by a classified employee exceeding the normal work week called for in the pay plan, when such work is assigned by an authorized superior.

(4) Premium conditions are as follows:

a. In the event an employee is placed on "standby" or "on call" after his or her normal duty hours, the employee shall receive one hour of overtime credit for each full eight-hour day regularly, on standby or on call. "Standby" or "on-call" means being given specific instructions by competent authority to remain at the employee's place of residence awaiting call. An employee shall not be placed on standby or on call unless a reasonable probability of emergency exists. In the event an employee is called back to his or her duty station from his or her place of residence, he or she shall be credited with a minimum of two hours overtime.

b. In the event an employee is required to work on a recognized legal holiday as defined in this act, or if the holiday falls on an employee's regularly scheduled day off, the employee shall be awarded eight hours overtime.

(5) Overtime may be awarded by payment on the basis of an hourly equivalent as set forth in the pay plan for each classification, based on the current hourly pay step of the incumbent, or granting equivalent time off. An employee shall be given a minimum notice of two days prior to being required to take time off except as provided in this act.

The department head shall determine whether overtime shall be awarded by payment or by granting equivalent time off, subject to the limitations imposed in this act. The department head may elect to pay or grant time off above the straight time rate but shall uniformly do so within a classification.

(6) No employee shall accumulate overtime in excess of 40 hours. Any accrual of overtime in excess of this amount shall, within the following pay period, be disposed of in the manner set forth in subdivision (5).

(7) Upon separation from the service, an employee shall be compensated at his or her regular hourly pay rate for each hour of overtime. The compensation shall be made as terminal pay subject to any limitations thereon imposed by this act.

(8) Reporting and payment of overtime shall meet the following requirements:

a. The board reserves the right to make final disposition of all payments for overtime and to periodically conduct reviews of departmental practices of granting overtime.

b. Prompt and accurate reports of overtime earned and used shall be maintained by the departments and shall be subject to periodic review by the director for conformance to this act.

c. Each department shall, at regular monthly intervals, post a list at each work station recapping the current total balance of accrued overtime leave for each employee.

Section 30. (a) An employee shall be entitled to military service leave and reinstatement as provided in this section. An employee who enters military service for the United States government, whether drafted, activated, or enlisted, shall, upon application to the director, be granted a leave of absence from the classified service for the duration of the military service not to exceed four years unless the military service is extended by federal act or presidential decree. During the leave of absence, no loss of rights or status shall occur, and the employee shall be given credit for the time spent in the military service as actual service rendered in the classified service as though his or her employment had not been interrupted. The benefits provided by this section shall only be available if the employee presents himself or herself for reemployment with the director within 90 days after discharge from the military service, unless the time is extended for reasons of health or physical unfitness after application to and approval by the director.

(b) The benefits provided by this section shall not be available to any employee who has received a dishonorable discharge from military service. When the discharge from military service is for reasons other than honorable or dishonorable, the director shall review the reasons for the discharge and may consent or refuse reemployment to any employee receiving the discharge.

(c) If the employee is still qualified to perform the duties of the position, he or she shall be restored to the position or to a position

of like seniority, status, and pay. If the employee is deemed unqualified to perform the duties of the position by reason of a disability resulting from military service, the director shall determine what most nearly reflects his or her capabilities and will provide reasonable compensation consistent with circumstances in his or her case and appoint the person to that position with the approval of the mayor.

(d) The service credit shall not accrue to a veteran who was in probationary status at the time of entrance into military service of the United States government until the veteran has satisfactorily completed the probationary period after return as an employee of the city.

(e) As used in this section "military service" includes public health service.

Section 31. (a) An employee shall be entitled to temporary leave for National Guard and armed forces reserve training as provided in this section.

(b) An employee occupying a regular full-time position in the classified service who, by reason of his or her membership in the National Guard or armed forces reserve of the United States, is ordered by appropriate authority to attend a training period shall, upon presentation of official orders, be granted military leave with pay. In no case shall an employee granted military leave with pay be paid for more than 21 working days per fiscal year.

(c) In the event an employee is ordered to temporary active military duty by the Governor of the State of Alabama or the President of the United States, the person shall be entitled to be paid for no more than 21 working days for any one active duty period.

(d) Seniority, annual vacation and sick leave, and other related benefits arising from employment with the city for employees ordered to attend training periods or called to duty in the active service of the state or country by the Governor or the President of the United States shall be the same as prescribed in this act.

Section 32. (a) An employee in the classified service shall be allowed up to one day for taking a preinduction physical examination when the examination is ordered by the Selective Service Board.

(b) An employee summoned for jury duty or as a witness in court shall be granted leave with pay.

(c) If deemed in the best interest of the classified service, an employee may be granted leave with pay by the appointing authority

to attend professional or technical institutes or conferences or other meetings. Time off with pay shall be granted to an employee for the purpose of taking examinations administered by the personnel director.

Section 33. (a) An employee may receive a leave of absence without pay as provided in this section.

(b) Upon recommendation of the appointing authority and approval of the director, the leave shall be allowed in the following categories:

(1) An employee occupying a regular full-time position, who is temporarily incapacitated to perform duties, may be granted a leave of absence for not more than one year. However, the employee shall submit a doctor's certificate which shall include the following:

a. The diagnosis.

b. A confirmation that the diagnosed condition renders the employee incapacitated to perform position duties.

c. The probable period of such incapacitation.

(2) An employee with permanent status who desires to engage in a course of study that will increase his or her usefulness upon his or her return to duty may be granted a leave of absence for not more than one year.

(3) An employee with permanent status may be granted a leave of absence for not more than one year for any reason considered good by the appointing authority subject to the approval of the director.

(4) An employee with permanent status who holds a technical or professional position may be granted a leave of absence when his or her assistance is requested to adopt or implement changes in service of another governmental agency. Under no circumstances shall a leave be granted to engage in other types of employment.

(c) Leave requests shall be submitted in writing and shall state the purpose of the leave and the date the leave is to begin and end. When the director approves the leave of absence, he or she shall designate whether the employee shall be entitled to resume the position at the expiration of the leave, or whether the employee's name shall be placed on the reemployment list.

Section 34. An employee with permanent status who wishes to resign or retire from his or her position in the classified service in good standing shall submit his or her notice thereof in writing to the appointing authority not less than 15 days prior to the proposed

effective date. Under unusual conditions, the appointing authority may, with the approval of the director, reduce the required number of days' notice. A permanent employee separating or retiring from the service in good standing shall receive terminal pay for his or her accrued vacation leave not to exceed 40 days.

Section 35. (a) The director shall obtain and preserve ratings on all personnel. The personnel ratings shall reflect the performance of incumbents of positions of the same class or grade in a manner whereby standards of performance may be established to determine the relative abilities of the incumbents and to discover employees who, measured by the performance of their assigned duties and demonstrated promotional potential, shall be subject to:

- (1) Promotion.
- (2) Merit increase.
- (3) Transfer.
- (4) Reduction in pay.
- (5) Demotion.
- (6) Dismissal.

(b) The department head shall use a rating plan approved by the director. The plan shall be based on accepted personnel administration practices that measure performance and promotional potential. All employees who are responsible for preparing ratings shall do so in a careful and responsible manner, conforming with existing policies as established by the council.

(c) Every rated employee shall have the opportunity to discuss and review the rating with the person or persons rating the employee. In the event of a disagreement, the employee shall also have the opportunity to discuss and review the rating with a reviewing officer and the department head. If the discussion fails to reconcile any differences, the employee may have his or her appeal heard by the director. The employee shall make a timely written request for the hearing.

Section 36. (a) The director shall develop and maintain programs for improving safety practices and conditions affecting the safety, health, and morale of the employees in the public service. To this end, the director may require the submission of reports and the investigation of accidents and working conditions in the departments.

(b) Employee training and development shall be as follows:

(1) The director, acting in conjunction with department heads, shall provide a coordinated system for the training and development of all personnel in the classified service to eliminate duplication of costs and efforts.

(2) The mayor and appointing authority shall encourage the development and concept of training in the public service, taking into consideration the availability of funds, the priority of work to be performed, and the availability of personnel.

(3) Each department shall organize its training to assure that adequate and necessary opportunities for training are provided and that unjustified training activities are not engaged in by departmental personnel. Each department is expected as a minimum requirement to follow the following procedures:

a. Establish a written departmental training policy which includes:

1. A statement of purpose and objective.
2. Provision for assigning centralized administrative responsibility for the total departmental employee training program.
3. Compilation of information to indicate individual training activities completed by employees and related data.
4. Provision for continuous appraisal of training needs.

b. Develop comprehensive organizational training plans in accordance with the mission, structure and function of the organization, including long-range and short-range plans covering such areas as orientation, supervisory, and technical skills.

Section 37. (a) The most effective accomplishment of the work of the various departments requires prompt consideration and equitable adjustment of employee grievances. All parties desire to adjust grievances informally with both supervisors and employees exerting every effort to resolve problems as they arise. However, it is recognized that there will be some grievances that can be resolved only after a formal appeal and review.

(b) A grievance is a wrong, real or fancied, considered by an employee as grounds for complaint. Matters dealing with classification, pay, compensation, examination, leave, discipline, and related actions specifically set forth, shall not be considered under grievance procedures, but shall be adjusted in accordance with the provisions of this act. Any question as to what constitutes a grievance, or what should be processed, shall be determined by the director, subject to the review of the board.

(c) Any permanent employee may register a grievance. In the presentation of grievances, employees shall be free from restraint, interference, discrimination, or reprisal. All adjustments of grievances processed shall be retroactive to the time the grievance is first submitted in writing by the aggrieved employee. The aggrieved employee may be represented by counsel or other person of his or her choosing.

(1) Step I.

a. The grievance shall be submitted in writing to the immediate supervisor within five days of the occurrence of the incident. All complaints shall cite the reasons and nature of complaint and must be signed by the employee.

b. The immediate supervisor shall reply in writing within three days giving an answer to the complaint. A copy of the answer shall be furnished to the employee and the personnel director.

(2) Step II. If unresolved in five days, the written grievance and the supervisor's answer shall be submitted to the department head. The department head shall, within five days, reply in writing to all parties concerned and forward a copy of the reply to the director.

(3) Step III. If unresolved, the grievance shall be submitted to a grievance committee, composed as follows:

a. One member elected by the classified employees of the city. The term of the employee-elected member shall be 12 months. One member designated by the appointing authority of the city. The third member shall be a mutually agreed upon person selected by the first two members.

b. If no mutual party can be agreed upon by the first two members within a period of 10 days, the director shall designate the third member.

c. The grievance committee as constituted shall review the findings of all parties concerned and may obtain additional information as it deems necessary. The committee shall render a decision concerning the unresolved grievance within 30 days after receipt of the grievance. The decision shall be binding on all concerned parties.

d. The director shall provide the minimal administration services necessary and shall exercise his or her authority to request the production of records or appearance of witnesses as may be required.

e. Nothing in this act shall limit the council's right to manage its affairs and governmental operations or infringe on its right and responsibility to appropriate funds and to fix budgets for the proper expenditure of public funds.

Section 38. (a) All payrolls, both classified and unclassified, shall be prepared and submitted with sufficient copies and in sufficient time for certification by the director prior to payment of any funds or salaries. All payrolls shall be signed by competent authority as authorized by the mayor.

(b) Employees working on a full-time basis shall be paid in accordance with the official salary schedule established by the council.

(1) In utilizing the official biweekly salary schedule, new employees entering the service after the first day of a pay period and employees terminated before the last day of a pay period, shall be paid on a daily basis. Employees who are in a nonpay status for any part of a pay period and employees who are authorized overtime pay during a pay period, shall be paid on a daily basis for each day worked. The daily rate shall be determined by the official salary schedule.

(2) When the basis of pay is other than biweekly, new appointees entering the service after the first day of a pay period and employees terminated before the last day of a pay period, shall be paid the daily rate prescribed in the official salary schedule for each work day they are in employee status during the pay period.

(3) Employees who receive pay for overtime worked shall be paid in accordance with the official salary schedule for each hour or day of overtime.

(4) Employees in employee status during an entire pay period, but who are in nonpay status for any part of the period, shall have deducted from their pay for the period the amount called for in the official salary schedule for each work day they are in nonpay status.

(5) In no case shall a new appointee or an employee returning from an absence of more than three work days in nonpay status be placed in pay status before the date of assumption or resumption of duties.

(c) A disbursing officer shall not make any payment to any person, either directly or indirectly, in contravention of any provision of this act or any exception noted by the director. All payrolls shall bear the certification of the director prior to disbursement or payment of funds or salaries.

Section 39. (a) Activities prohibited shall be as follows:

(1) No person shall be appointed or promoted to, or dismissed from any position, or in any way favored or discriminated against with respect to employment because of sex, political or religious opinions or affiliations, or race.

a. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position.

b. No person shall use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in

appointment to a position, an increase in pay, or any other advantage in employment in a position, for the purpose of influencing the vote or political action of any person, or for any consideration.

c. No person in the employment of the city, whether classified or unclassified, shall be denied the right to participate in city, county, and state political activities to the same extent as any other citizen of the state of Alabama, including endorsing candidates and contributing to campaigns.

d. Persons in the employment of the city may join local political clubs and organizations and state or national political parties.

e. Persons in the employment of the city may publicly support issues of public welfare, circulate petitions calling for, or in support of, referendums and the right to contribute freely to those of his or her choosing.

(2) No person shall attempt to use political authority or position for the purpose of influencing the vote or political action of any person. Any person who violates this subdivision shall be guilty of a felony punishable by a fine not to exceed ten thousand dollars (\$10,000) or imprisonment in the state penitentiary for a period not to exceed two years, or both.

(b) Candidacy for public office shall be as follows:

(1) In the event an employee resigns his or her position for the purpose of becoming a candidate for nomination or election to public office, he or she shall be eligible for a leave of absence without pay if the following conditions are met:

a. A written resignation is submitted to the appointing authority stating the purpose of the resignation with a copy forwarded to the director.

b. Within the six-month period next succeeding the day of resignation, he or she is reinstated to the eligible list for the position.

c. The position has not been filled between the day of the resignation and the day of the appointment.

d. He or she is reappointed to the position within the six-month period next succeeding the day of resignation.

(2) If each of the foregoing conditions are met, the employee shall be considered as having been on a leave of absence.

(c) In order to avoid a conflict of interest, an appointing authority shall require a classified employee who wishes to engage in any outside work or activity for personal profit, file a written request setting out the nature of the outside employment. Reasons for rejection of the request shall be limited to whether the employment

would cause a conflict of interest or is incompatible with an employee's position in the classified service.

(d) All elected authorities and officials shall assist in the implementation and maintenance of this act.

Section 40. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 41. All laws or parts of laws which conflict with this act are repealed.

Section 42. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 1:52 P.M.

Act No. 93-494

H. 743 – Rep. Blakeney

AN ACT

Relating to Marengo County; specifically providing for a mileage allowance for the Coroner of Marengo County by amending Section 1 of Act No. 92-491, H. 827, 1992 Regular Session.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 92-491, H. 327, 1992 Regular Session, is amended to read as follows.

“Section 1. Retroactive to January 1, 1992, the Coroner of Marengo County, Alabama, shall be entitled to receive a, expense allowance in the amount of four hundred dollars (\$400) per month, to be paid in equal monthly installments from the county general fund. The expense allowance shall be in addition to the mileage allowance of twenty-two cents (\$.22) per mile, and in lieu of any expense allowances heretofore provided by law for the coroner.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 1:53 P.M.

Act No. 93-495

H. 745 – Rep. Black (L)

AN ACT

Relating to Sumter County; providing for the expense allowance and travel allowance for the county coroner, payable from county funds and repealing Act No. 88-332, H. 756 of the 1988 Regular Session (Acts 1988, p. 501), relating to the coroner's compensation; and making the provisions retroactive to December 1, 1992.

Be It Enacted by the Legislature of Alabama:

Section 1. The County Coroner of Sumter County shall be entitled to receive an additional expense allowance in the amount of fifty-seven dollars and fifty cents (\$57.50) per case and twenty cents (\$.20) per mile for official travel in the course of the duties of the office, to be paid out of the county general fund. The expense allowance and travel allowance provided by this act shall be the total expense allowance and mileage allowance provided for by law.

Section 2. Act No. 88-332, H. 756 of the 1988 Regular Session (Acts 1988, p. 501), is repealed.

Section 3. This act shall become effective retroactively to December 1, 1992, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 1:54 P.M.

Act No. 93-496

H. 755 – Reps. Hill, Knight (A)

AN ACT

Relating to Shelby County; to further amend Section 7 of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778), as amended, relating to the installation and maintenance of an improved system of recording title to property and other documents recorded in the office of the judge of probate and the collection and disposition of a special index fee therefor, so as to further provide for the index fee and distribution of the additional fee.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 248, H. 872 of the 1975 Regular Session (Acts 1975, p. 778), as amended, is hereby further amended to read as follows:

“Section 7. Special Recording Fees. A special index fee of five dollars (\$5) shall be paid to the county, and collected by the judge of

probate with respect to each real property instrument and each personal property instrument filed for record in the office of the judge of probate and for the recording of other instruments and documents in the probate office in the discretion of the governing body of the county. After the effective date, no instrument shall be recorded in the office of the judge of probate unless the special index fee of five dollars (\$5) is paid. The special index fee shall be in addition to all other fees, taxes, and other charges required by law for recording any real property instrument or personal property instrument, and for the recording of other instruments and documents in the office of the judge of probate in the discretion of the governing body of the county. All special index fees collected shall be deposited into the county treasury and credited to the account of a special fund to be expended as follows:

“(1) Of the fee collected, four dollars (\$4) shall be designated for payment of initial installation costs and the cost as needed of additional equipment that may be added to the probate office from time to time.

“(2) Of the fee collected, one dollar (\$1) shall be designated for the operating expenses of the Shelby County Constituents’ Office. The fund shall be managed by the chair of the Shelby County Legislative Delegation Office.

“Any sums deposited or collected in excess of those needed to implement this act may, in the sole discretion of the judge of probate, be expended for the operations of the office of the judge of probate.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 1:55 P.M.

Act No. 93-497

H. 758 – Reps. Smith (C), Knight (A)

AN ACT

To authorize the County Commission of Bibb County, Alabama, pursuant to Amendment No. 373 to the Constitution of Alabama of 1901, to increase the rate at which there is levied and collected by Bibb County, on all taxable property situated in Bibb County, the special ad valorem tax for necessary public buildings, bridges, and roads which is authorized in Section 215 of the Constitution, to a maximum rate, for any tax year of the county, which is equal to \$.75 on each one hundred dollars (7.5 mills on each dollar) of assessed value; provided that the proceeds attributable to the increase in the rate of levy may be used only for the acquisition, construction, maintenance, and operation of a jail in the county and for the payment of debt service on any obligations incurred for such purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. The following words and phrases shall have the following meanings:

(1) **AMENDMENT NO. 373.** That amendment to the Constitution that was proposed by Act No. 6, H. 170, 1978 Second Special Session.

(2) **COMMISSION.** Bibb County Commission.

(3) **CONSTITUTION.** The Constitution of Alabama of 1901.

(4) **COUNTY.** Bibb County, Alabama.

(5) **SECTION 215.** Section 215 of the Constitution.

(6) **SPECIAL TAX.** The special ad valorem tax for necessary public buildings, bridges and roads authorized in Section 215 and levied and collected on taxable property in the county.

Section 2. The county presently levies and collects the special tax at a rate of \$.25 on each one hundred dollars (2.5 mills on each dollar) of assessed value pursuant to Section 215. Pursuant to a resolution adopted by the county commission in accordance with Amendment No. 373, the county proposes to increase the rate at which it may levy and collect the special tax to a maximum rate, for any tax year, which is equal to \$.75 on each one hundred dollars (7.5 mills on each dollar) of assessed value.

Section 3. Pursuant to subsection (f) of Amendment No. 373 and a resolution adopted by the county commission after a public hearing, the county commission may increase the rate at which the county levies and collects the special tax to a maximum rate, for any tax year, which is equal to \$.75 on each one hundred dollars (7.5 mills on each dollar) of assessed value; provided that the proceeds attributable to the increase in the rate of levy may be used only for the acquisition, construction, maintenance and operation of a jail in the county and for the payment of debt service on any obligations incurred for such purpose.

Section 4. The increase in the rate at which the special tax may be levied and collected pursuant to this act is subject to the approval of a majority of the qualified electors residing in the county who vote on the proposed increase at a special election called and held for such purpose pursuant to the provisions of subsection (f) of Amendment No. 373.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 1:56 P.M.

Act No. 93-498

H. 776 – Rep. Holley

AN ACT

To amend Act No. 91-705, H. 1082, 1991 Regular Session (Acts of Alabama 1991, p. 1374), relating to Coffee County and providing a special recording fee for documents filed in the office of the judge of probate, to further provide for the distribution of the fee.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 91-705, H. 1082, 1991 Regular Session (Act of Alabama 1991, p. 1374), is amended to read as follows:

Section 1. Upon the date of the adoption of a resolution of the Coffee County Commission declaring the implementation of the provisions of this act, a special recording fee of four dollars (\$4) shall be collected by the Judge of Probate of Coffee County with respect to each real property instrument and each personal property instrument filed in the probate office. In addition, the special recording fee may be collected for any other instrument or document filed in the probate office at the discretion of the judge of probate. On and after that date, no instrument shall be received to be recorded in the office of the judge of probate unless the special recording fee of four dollars (\$4) is paid pursuant to this act. The special recording fee of four dollars (\$4) shall be deposited by the judge of probate into the general fund in the treasury of Coffee County by the 20th day of the month following its collection, to be budgeted by the Coffee County Commission. The funds shall be expended for an improved recording and indexing system, the purchase or improvement of other equipment, and for the general operation of the probate office. The fee may be adjusted from time to time by the Coffee County Commission.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 1:57 P.M.

Act No. 93-499

H. 777 – Rep. Holley

AN ACT

Relating to Coffee County, to provide a procedure for handling cases involving invalid checks given for licenses, and the voiding of the licenses.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall only be operative in Coffee County.

Section 2. In Coffee County, if a check given for a license is found to be noncollectible for any reason, the judge of probate will notify the Worthless Check Unit of the District Attorney's Office, who shall make a reasonable attempt to collect the amount due for the license. If the collection cannot be made, the District Attorney's Office shall so state and the statement shall constitute authorization for the judge of probate to void the license. After the license has been voided, the judge of probate shall receive credit for the cost of the license plus the issuance fee. The appropriate state office shall mark the records pertaining to the void license and, upon inquiry by law enforcement agencies, shall notify the agencies that the party in question is operating under a void license. A person who operates a business with a void license shall be prosecuted in accordance with current law.

Section 3. The provisions of this act are supplemental. It shall be construed in *pari materia* with other laws relating to such matters; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 1:58 P.M.

Act No. 93-500

H. 781 – Reps. Beasley, Carothers

AN ACT

Relating to Houston County; providing for the county commission to reimburse the office of license commissioner, judge of probate, or revenue commissioner for any monetary loss resulting from the performance of official duties for errors or mistakes made in good faith, not to exceed a certain maximum per annum; and providing the funds shall be payable from the general fund of the county.

Be It Enacted by the Legislature of Alabama:

Section 1. The Houston County Commission shall reimburse the office of the license commissioner, judge of probate, or revenue commissioner from the general fund of the county the amount of any monetary loss, not to exceed a total of five thousand dollars (\$5,000) per annum, arising or caused by error, if the mistake or omission was caused without their personal knowledge, including loss arising from acceptance of worthless or forged

checks, drafts, money orders, or other written orders for money or its equivalent.

Section 2. It shall be the duty of the license commissioner, probate judge, or revenue commissioner to insure that their employees exercise due care in performing their duties and to make a diligent effort to correct the error, mistake, or omission and collect the amount subject to potential loss immediately upon becoming aware of the potential loss. This act shall not apply to any deliberate misuse or misappropriation of funds by the official or any clerk or employee of their office.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 1:59 P.M.

Act No. 93-501

H. 799 – Rep. Hill

AN ACT

Relating to Shelby County; to amend Section 7 of Act No. 596, H. 1577, 1975 Regular Session (Acts 1975, p. 1346), as amended and reenacted by Act No. 92-394, 1992 Regular Session (Acts 1992, p. 810), pertaining to a rehabilitative and work release program for jail inmates, to provide further for inmates to pay the cost of their supervision from their gross earnings.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 7 of Act No. 596, H. 1577, 1975 Regular Session (Acts 1975, p. 1346), as amended and reenacted by Act No. 92-394, 1992 Regular Session (Acts 1992, p. 810), is amended to read as follows:

“Section 7. Any person released from jail pursuant to Section 2 of this act shall pay to the county a sum equal to 40 percent of his or her gross earnings earned while released. The court having jurisdiction of the case, as a condition to releasing a prisoner or granting a suspended sentence pursuant to the terms of this act, may require that the prisoner establish a payroll deduction for the payment of any sums due pursuant to this act or that the employer pay the wages of the prisoner directly to the Shelby County Work Release Commission. All sums collected, whether by payroll deduction or otherwise, shall be paid over to and collected by the Shelby County Work Release Commission and deposited into the Shelby

County Work Release Fund, which shall be established in the county treasury, to be held under the conditions and for the purposes set out in this act.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:00 P.M.

Act No. 93-502

H. 815 – Reps. McDaniel, Rich

AN ACT

Relating to Marshall County; to provide for the appointment, authority, and terms of office of the emergency telephone service board of commissioners.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding any other provision of law, including, but not limited to, Section 11-98-4 of the Code of Alabama 1975, the Marshall County Emergency Telephone Service Board of Commissioners shall consist of seven members appointed as follows:

(1) Three members shall be named by or serve from the membership of the Marshall County Commission.

(2) Two members shall serve on a rotation basis for terms of two years as follows:

a. One member from the City of Arab and one member from the City of Albertville appointed by the respective mayor of each city upon confirmation by the respective city councils for the first and second year after the enactment of this act and every other two years thereafter.

b. One member from the City of Guntersville and one member from the City of Boaz appointed by the respective mayor of each city upon confirmation by the respective city councils for the third and fourth year after the enactment of this act and every other two years thereafter.

(3) The mayors of the remaining incorporated communities shall rotate alphabetically for terms of two years, to fill one position.

(4) The seventh position on the board shall rotate every two years first from the Marshall County Volunteer Fire Association

and the next two years from the Marshall County Rescue Association.

Section 2. The Marshall County Emergency Telephone Service Board of Commissioners shall administer the funds to provide the best emergency service to all the citizens of Marshall County. The board shall add, reduce, or forego the collection of fees if there are adequate reserves.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:01 P.M.

Act No. 93-503

H. 899 – Rep. Venable

AN ACT

Relating to Coosa County; providing that the judge of probate shall maintain a general register for certain instruments filed in the office.

Be It Enacted by the Legislature of Alabama:

Section 1. The Judge of Probate of Coosa County pursuant to Section 12-13-41, Code of Alabama 1975, shall maintain a general register for all transactions recorded by the probate office and shall have a general direct and general reverse index for every instrument filed. Specifically included in the general register are those instruments described in Section 12-13-41(11) (Deeds and mortgages, etc.); Section 12-13-41(13) (Adverse possession); Section 35-4-52 (Bankruptcy Petitions); Section 35-4-53 (Bonds for Title); Section 35-4-69 and 71 (Affidavits relative to chain of title of land); Section 35-4-76 (options to buy land); Section 35-4-90 (Agreements to convey land); Section 35-4-91 (Wills which convey real property); Section 35-4-130 (Lis Pendens and hospital liens); Sections 36-5-3, 4, 5, and 6 (Official bonds, notary bonds and oaths of office); Section 10-2A-93 (Corporations); Section 10-4-26 (Church minutes which grant trustees the authority to convey land); Section 6-9-210 (Liens of judgment); Section 40-1-2(d) (Tax liens); military discharges; medical records, and any and all other miscellaneous documents

may be so registered at the discretion of the judge of probate. Specifically excluded from the general register are these instruments described in Section 12-13-41(2,3) (Minutes of official acts); Section 12-13-41(4) (Probate docket); Section 43-2-502 (Final Settlements); Section 18-1A-75 (Condemnation Orders); Section 40-10-15 (Tax Sales); Section 35-2-51(a) (Plats); Section 12-19-45 (fees), which shall be maintained as specified by the heretofore existing laws.

Section 2. Each instrument contained in the general index shall be numbered consecutively and filmed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Approved May 13, 1993

Time: 2:02 P.M.

Act No. 93-504

H. 905 – Rep. Cullins

AN ACT

Relating to Tallapoosa County; providing for the operation and management of an inmate commissary at the Tallapoosa County detention facility, retroactive to April 7, 1992.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be operative only in Tallapoosa County.

Section 2. The county jail administrator for Tallapoosa County shall operate and manage an inmate commissary at the Tallapoosa County detention facility. Proceeds and profits derived from the inmate commissary shall be reinvested by the county jail administrator to operate and supply the county detention facility.

Section 3. This act shall be effective retroactive to April 7, 1992.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:03 P.M.

Act No. 93-505

H. 918 – Rep. Burke

AN ACT

Relating to DeKalb County; providing for an additional expense allowance and salary for the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing on the first day of the month immediately following the effective date of this act, the Sheriff of DeKalb County shall be entitled to an additional expense allowance in the amount of fifteen thousand dollars (\$15,000) per annum, which shall be in addition to all other expense allowances, compensation, or salary provided by law. This expense allowance shall be payable in equal monthly installments from the general fund of the county.

Section 2. Beginning with the expiration of the term of the incumbent sheriff, the annual salary for the sheriff shall be increased by fifteen thousand dollars (\$15,000) per annum, payable in equal monthly installments from the general fund of the county and at that time Section 1 shall become null and void.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved May 13, 1993

Time: 2:04 P.M.

Act No. 93-506

H. 760 – Rep. Letson

AN ACT

Relating to Lawrence County; authorizing the sheriff to retain funds accruing from the pay telephones and vending machines in the county courthouse in a special fund to be used by the sheriff for law enforcement purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The Sheriff of Lawrence County, Alabama may retain the funds accruing from the pay telephones and vending machines in the county courthouse annex and jail in a special fund known as the Law Enforcement Fund which shall be used by the sheriff for law enforcement purposes in the county. The fund shall be managed exclusively by the sheriff.

Section 2. The sheriff shall prepare an annual report detailing expenditures made during each fiscal year from the Law Enforcement Fund. A copy of the report shall be filed no later than 60 days after the close of each fiscal year with the county commission, the presiding judge of the circuit court of the county, and the county district attorney.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:05 P.M.

Act No. 93-507

H. 761 – Rep. Letson

AN ACT

Relating to Lawrence County; to provide office space and certain office expense for the county legislative delegation; and to provide for retroactive effect from January 1, 1993.

Be It Enacted by the Legislature of Alabama:

Section 1. The Lawrence County Commission shall provide office space to the Lawrence County legislative delegation in any office space that is owned or controlled by the county and that is not occupied for use by a county, state, or federal employee. In addition to office space, the county commission shall provide for the reasonable and necessary expenses of operating the office, including clerical assistance, telephone service, and other general office expenses. The expenses of providing office space provided by this act shall be paid from funds received by the county from the state from payments by the Tennessee Valley Authority made in lieu of taxes.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall be retroactive to January 1, 1993.

Approved May 13, 1993

Time: 2:06 P.M.

Act No. 93-508

H. 762 – Rep. White

AN ACT

Relating to Escambia County; providing further for the compensation of poll workers.

Be It Enacted by the Legislature of Alabama:

Section 1. In Escambia County, election officials who work at polling places may from time to time, receive an additional expense allowance in an amount to be set by the Escambia County Commission, together with any amount paid by the state pursuant to Section 17-6-13, Code of Alabama 1975. The additional expense allowance provided for in this act shall be paid from the county general fund.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:07 P.M.

Act No. 93-509

H. 766 – Rep. White

AN ACT

Relating to Escambia County; to repeal Act No. 653, S. 737 of the 1969 Regular Session (Acts 1969, p. 1183) of the Legislature of Alabama, providing salaries for the sheriff's deputies and fixing the number of deputies.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 653, S. 737 of the 1969 Regular Session (Acts 1969, p. 1183) is repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:08 P.M.

Act No. 93-510

H. 835 – Rep. Anderson

AN ACT

Relating to Morgan County; providing for an additional expense allowance and salary for the coroner.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing on the first day of the month immediately following the effective date of this act, the Coroner of Morgan County shall be entitled to an additional expense allowance in the amount of \$5,000 per annum, which shall be in addition to all other expense allowances, compensation, or salary provided by law. This expense allowance shall be payable in equal monthly installments from the general fund of the county.

Section 2. Beginning with the expiration of the term of the incumbent coroner, the annual salary for the coroner shall be \$15,000 per annum, payable in equal monthly installments from the general fund of the county.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved May 13, 1993

Time: 2:09 P.M.

Act No. 93-511

H. 897 – Rep. Venable

AN ACT

Relating to Coosa County; to repeal Act No. 830, H. 1091, 1969 Regular Session, relating to the compensation of the county solicitor.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 830, H. 1091, 1969 Regular Session, relating to Coosa County is repealed.

Section 2. This act shall become effective October 1, 1994.

Approved May 13, 1993

Time: 2:10 P.M.

Act No. 93-512

H. 818 – Rep. Flowers

AN ACT

Relating to Pike County; to provide a salary for the Judge of Probate of Pike County.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the next term of office, the Judge of Probate of Pike County shall receive an annual salary of sixty-five thousand dollars (\$65,000), payable in the manner prescribed by the county commission. The salary shall be payable from the county general fund.

Section 2. All laws or parts of law which conflict with this act are repealed and specifically Act No. 89-783, S. 565 of the 1989 Regular Session (Acts 1989, p. 1565) is repealed effective at the beginning of the next term of office.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:11 P.M.

Act No. 93-513

H. 895 – Rep. Venable

AN ACT

Relating to Coosa County; to repeal Act No. 946, H. 1752, 1975 Regular Session, relating to the supernumerary status of the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 946, H. 1752, 1975 Regular Session, relating to Coosa County is repealed.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:12 P.M.

Act No. 93-514

H. 896 – Rep. Venable

AN ACT

Relating to Coosa County; to repeal Act No. 285, H. 249, 1965 Regular Session, as amended, relating to the reimbursement of certain expenses of the county solicitor.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 285, H. 249, 1965 Regular Session, as amended, relating to Coosa County is repealed.

Section 2. This act shall become effective October 1, 1994.

Approved May 13, 1993

Time: 2:13 P.M.

Act No. 93-515

H. 871 – Rep. Drake

AN ACT

Relating to Morgan County; providing that all existing expense allowances for a county commissioner shall be incorporated into his or her salary beginning with the next term of office of the commissioner.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) Commencing with the next term of office of a county commissioner of Morgan County, the salary of a county commissioner shall equal the salary provided by law on the effective date of this act and all expense allowances payable to the county commissioner on the effective date of this act.

(b) The new salary provided in subsection (a) for a county commissioner shall be paid in the usual manner from the county general fund and shall be in lieu of all salary and expense allowances previously provided by law for a county commissioner.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:14 P.M.

Act No. 93-516

H. 876 – Rep. Crow

AN ACT

Relating to the City of Oxford in Calhoun County; amending further Act No. 963, S. 1177, 1975 Regular Session, which provides for a civil service system for the city, to provide further for compensation of the board members and the chair of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 963, S. 1177, 1975 Regular Session, is amended to read as follows:

"Section 6. Each member of the board and the chair of the board shall be paid one hundred and forty dollars (\$140) per month by the City of Oxford. The board may appoint clerical assistance and engage legal counsel of its own choice."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:15 P.M.

Act No. 93-517 H. 877 – Reps. Poole, Parker (T), Layson, Cagle
AN ACT

To amend Sections 2, 3, 10, 12, and 14 of Act No. 86-656, H. 12, First Extraordinary Session 1986 (Acts First Special Session 1986, p. 39), relating to Tuscaloosa County and providing for the establishment of districts for the purpose of preventing fires or for fire protection and other public service in the county, to provide for the inclusion in a district of land within a municipality in the county, to provide further for the election of the board of directors of a district, and to provide for the collection of the service charge or fee levied by a district.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 2, 3, 10, 12, and 14 of Act No. 86-656, H. 12, First Extraordinary Session 1986 (Acts First Special Session 1986, p. 39), are amended to read as follows:

"Section 2. Definitions. The following words and terms as used in this act shall have the meanings ascribed to them, unless a **contrary meaning is apparent from the context**: 'the act' shall mean this act; 'the county' shall mean Tuscaloosa County, Alabama; 'district for fighting fires' shall mean a district created under this act for establishing and maintaining a system for fighting or preventing fires; 'board' shall mean the board of directors of a district established pursuant to this act.

"Section 3. Any area situated entirely within the county may be established as a district for fighting fires pursuant to this act. No land lying within the boundaries of a municipality at the time a district is formed shall be included in the district unless the municipality adopts a resolution to be included in the district.

"Section 10. (a) The affairs and business of each district shall be managed by a board, the initial members consisting of the existing board of directors of each volunteer fire department, each being

a public corporation. No person shall serve on said board unless the person is a qualified elector of and resides in the district and is over the age of 21. Members of the board of directors of a district shall serve a term of four years; provided, however, that the initial terms shall be as follows: of the seven members first elected, one shall be elected for a term of one year, two shall be elected for a term of two years, two shall be elected for a term of three years, and two shall be elected for a term of four years. Their successors shall be elected from among those candidates who are nominated from the floor at the annual meeting of the district. The members of the board of the district shall be elected at the annual meeting by secret ballot of the district from among the persons nominated. Any person who is a qualified elector and a resident of the district may vote on the election of the board of directors of a district.

“Section 12. The expense of establishing and maintaining a district shall be paid for by the proceeds of a service charge or fee which shall be levied and collected in an amount sufficient to pay said expense. Said service charge or fee shall be levied upon and collected from the property owners served by the system. The charge or fee shall be a personal obligation of the owner of the property served by the system; and to secure the collection of the charge or fee there shall be a lien against said property in favor of the district, which lien shall be enforceable by sale thereof in the same manner in which the foreclosure of a municipal assessment for public improvements is authorized.

“The board may provide that upon a person being in default for more than 60 days in paying any service charge or fee due, the person shall be liable to pay, in addition to the service charge or fee, a reasonable late fee and any reasonable attorney’s fee incurred by the district in its effort to enforce payment of the service charge or fee whether suit is filed or not.

“Section 14. (a) A district may be enlarged in accordance with the terms of this section, except that no area lying within a municipality at the time of the enlargement shall be brought within the district unless the municipality adopts a resolution to be included in a district.

“(b) No area shall be brought within a district by enlargement unless the majority of the votes cast at the election provided for by subsection (c), below, approve the inclusion of the area within the district and also approve every service charge or fee in effect within the district at the time of the election.

“(c) The term ‘proposed area,’ as used in this subsection (c), means an area which it is proposed be brought within a district by enlargement of the district. When the board of a district determines that the inclusion of a proposed area within the district would be to

the advantage of the district and also to the advantage of the majority of the inhabitants of the proposed area, the board may file in the office of the judge of probate a petition that there be an election in the proposed area at which there shall be submitted to the qualified electors residing within the proposed area the question of whether the proposed area shall be included within the district and also the question of whether every service charge or fee in effect within the district at the time of the election is approved. Upon the petition being filed, the judge of probate shall order an election to be held within the proposed area, within the time herein provided, at which election the qualified electors residing within the proposed area shall vote on the two foregoing questions. Unless the majority of votes cast at the election vote in the affirmative on each of the foregoing questions, the proposed area shall not be included within the district. Upon the officers canvassing the returns of the election certifying that a majority of votes cast was in favor of the inclusion of the proposed area in the district, and that the majority of the votes cast approved every service charge or fee in effect within the district at the time of the election, the proposed area shall become a part of the district."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:16 P.M.

Act No. 93-518

H. 881 – Rep. Laird

AN ACT

Relating to Clay County; to provide that the county commission may establish and adopt voting centers by resolution.

Be It Enacted by the Legislature of Alabama:

Section 1. Pursuant to Section 17-5-5, Code of Alabama 1975, to facilitate or reduce election costs, the Clay County Commission may adopt a resolution which establishes voting centers by combining voters from two or more precincts.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:17 P.M.

Act No. 93-519

H. 894 – Reps. Cosby, Bryant, Thomas

AN ACT

To amend Act No. 88-387, H. 778, 1988 Regular Session, (Acts 1988, p. 576), relating to Dallas County and providing the fee for issuance of a pistol permit by the sheriff, to further provide for the fee; and to repeal Act No. 88-300, S. 602, 1988 Regular Session (Acts 1988, p. 460), relating to Dallas County, and providing the fee for the issuance of a pistol permit by the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 88-387, H. 778, 1988 Regular Session, (Acts 1988, p. 576), is amended to read as follows:

“Section 1. In Dallas County, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Title 13A-11-75, Code of Alabama 1975, shall be twenty dollars (\$20), which shall be collected by the sheriff.”

Section 2. Act No. 88-300, S. 602, 1988 Regular Session (Acts 1988, p. 460), is repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:18 P.M.

Act No. 93-520

H. 867 – Reps. Smith (C), Knight (A)

AN ACT

Relating to Bibb County; providing for an additional special transaction fee on certain property when it is assessed for ad valorem taxes and providing for disposition of funds from the additional fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other fees and costs provided by law, a special transaction fee of three dollars (\$3) shall be paid to the Bibb County Tax Collector when a parcel of property is assessed for ad valorem taxes and ad valorem taxes are collected. The special additional transaction fees shall be collected by the tax collector and deposited in the county general fund for appropriation for law enforcement purposes.

Section 2. Those persons exempted from paying ad valorem taxes are also exempted from the special transaction fee levied pursuant to this act.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:19 P.M.

Act No. 93-521

H. 868 – Reps. Smith (C), Knight (A)

AN ACT

Relating to Bibb County; providing for an additional special transaction fee on public business filed and transacted in the office of the judge of probate, and providing for disposition of funds from the additional fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other fees and costs provided by law, a special transaction fee not exceeding two dollars (\$2) shall be paid to the Bibb County Judge of Probate when any public business is transacted in his or her office. The special additional transaction fees shall be collected by the judge of probate and deposited in the county general fund for appropriation for the improvement and computerization of the probate office.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:20 P.M.

Act No. 93-522

H. 870 – Rep. Cullins

AN ACT

Relating to the Sheriff of Tallapoosa County; providing that the sheriff shall be responsible for the training and supervision of all employees of the office of the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. This bill shall be operative only in Tallapoosa County.

Section 2. Notwithstanding any other provision of law, the sheriff shall be responsible for the training and supervision of all employees of his or her office.

Section 3. The county commission shall not be liable for the action of the sheriff in training and supervising the employees of the office of the sheriff.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:21 P.M.

Act No. 93-523

H. 889 – Rep. Layson

AN ACT

Relating to Pickens County; abolishing the office of constable.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be operative only in Pickens County.

Section 2. In Pickens County, the office of constable shall be abolished, pursuant to Section 36-23-1, Code of Alabama 1975. All assets, money, property, real or personal, equipment, and supplies of the office shall be transferred to the county commission for use or disposition as deemed proper for the county.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:22 P.M.

Act No. 93-524

H. 856 – Reps. Fuller, Laird

AN ACT

Relating to Chambers County; providing for the appointment of the county superintendent of education; repealing Act No. 71, S. 96, 1935 Regular Session, which provided for the election of the county superintendent; and providing for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. Effective July 1, 1997, the Chambers County Superintendent of Education shall be appointed and provided for by the general law of the state, and Act No. 71, S. 96, 1935 Regular Session, shall be repealed.

Section 2. This act shall be inoperative and void unless it is approved by a majority of the qualified electors of Chambers County who vote at a referendum held for that purpose. The election shall be held and conducted as nearly as possible in the same way as elections on amendments to the Constitution of Alabama 1901, and shall be held on the same day as the next general, special, primary, or constitutional amendment election following passage of this act. Notice of the election shall be given by the Judge of Probate of Chambers County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

“Do you favor the appointment of the Chambers County Superintendent of Education? Yes () No ()”

If a majority of the votes cast at the election are affirmative votes, this act shall be in full force and effect immediately. If a majority of the votes cast are in the negative, the act shall have no further effect. The Judge of Probate of Chambers County shall certify the results of the election to the Secretary of State immediately after the returns have been certified.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:23 P.M.

Act No. 93-525

H. 860 – Rep. McDaniel

AN ACT

Relating to the DeKalb County Commission and powers to levy and collect certain privilege license taxes, gasoline taxes, sales and use taxes, and other taxes, validating, ratifying, and confirming any actions heretofore taken pursuant to Act No. 91-610, H. 961 of the 1991 Regular Session (Acts 1991, p. 1178), and repealing prospectively that act which authorized the taxing powers listed.

Be It Enacted by the Legislature of Alabama:

Section 1. The actions taken by the DeKalb County Commission and the taxes levied and collected pursuant to Act No.

91-610, H. 961 of the 1991 Regular Session (Acts 1991, p. 1148) from the date of its enactment, July 30, 1991, until the effective date of this act are hereby validated, ratified, and confirmed.

Section 2. Act No. 91-610, H. 961 of the 1991 Regular Session (Acts 1991, p. 1148) is repealed, but such repeal shall not affect the continuing validity and enforceability of any taxes ratified and confirmed in Section 1 hereof after the date of such appeal.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:25 P.M.

Act No. 93-526

H. 861 – Reps. Hogan, Cagle

AN ACT

Relating to Walker County; to provide for the temporary release, at the court's discretion, of certain prisoners in county or city jails for the purpose of working at gainful employment or for other rehabilitative purposes; to provide that any person released pursuant to this act who fails to report for confinement as ordered shall be subject to punishment provided for escape; to provide for the payment by persons released of a portion of their gross earnings and for the utilization of the funds derived therefrom; to provide for the Walker County Court Services Fund; to set standards for judicial officers in the county for the pretrial release of those persons accused of crimes; to establish penalties for failure to appear or for violation of release conditions; to provide for the forfeiture of security deposited to insure the attendance of the defendant; to create a body to be known as the Walker County Court Services Commission; to provide for the membership of the commission and for its power and duties; to provide for the transfer of certain funds that may be held for the account of certain pretrial release and work release programs in Walker County; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Any person who has been committed to the county jail or to any city jail in Walker County under a criminal sentence, including all persons sentenced to a state prison, or into the custody of the Department of Corrections who has been deemed not to be a threat to the community and who has not been transferred to a Department of Corrections facility, may be released therefrom at the discretion of the sentencing court with the approval of the district attorney, either on its motion or upon the motion of the

defendant, at the time of sentence or at any time during the term of sentence, for the purpose of obtaining and working at gainful employment or for other purposes as the court may deem conducive to his rehabilitation, for the time or intervals of time and under the terms and conditions as the court may order. Any part of a day spent outside of jail under a release order shall be counted as a full day toward the serving of the sentence unless otherwise provided by the court. If a person violates the terms and conditions laid down for his or her conduct, custody, and employment, the person shall be returned to the sentencing court. The court may then require that the balance of the person's sentence be spent in actual confinement and may cancel any earned reduction of his term.

Section 2. Any person who has been sentenced to the Walker County Jail or any city jail within Walker County and who has been ordered released under Section 1 of this act, may at the time of sentence or at any time while any part thereof remains unserved, be required by the sentencing court to report to the jail to which he has been sentenced to be incarcerated during weekends or at any times or intervals of time as the court may direct. Time spent in jail shall be deducted from the term of the sentence. Any part of a day spent in the institution shall count as a full day toward the sentence. In no event shall the number of days of confinement exceed the number of days in the original sentence.

Section 3. Any person released under Section 1 of this act, or ordered confined under Section 2, who willfully fails to report for confinement as ordered shall be deemed to have escaped from the institution to which he or she has been sentenced and upon conviction shall be subject to the punishment provided for escape therefrom.

Section 4. Any person released from jail pursuant to Section 1 of this act shall pay to the program a sum equal to seven dollars (\$7) per day while released. The court having jurisdiction of the case, as a condition to releasing a prisoner pursuant to the terms of this act, may require that the prisoner establish a payroll deduction for the payment of any sums due hereunder. All sums collected, whether by payroll deduction or otherwise, shall be paid to and collected by the Walker County Court Services Program.

Section 5. In any case in which the court having jurisdiction of the case determines that the collection and payment of the sums provided for in Section 4 of this act will impose a definite and significant financial hardship on the dependents of the prisoner involved, the court, may in its discretion, waive the collection and payment, but in making that determination the court shall consider that the purpose of this act is to not only promote the rehabilitation of offenders but, insofar as possible, to make the implementation of this act self-supporting.

Section 6. All sums collected under this act shall be expended for the implementation of this act, including but not limited to paying salaries and other expenses involved in making investigations and studies necessary to determine whether or not particular prisoners may be granted the benefits of this act, transportation of prisoners to and from their places of employment, matching any federal or state grants which may be available in relation to the purposes of this act, and the investigation and screening of prisoners subject to this act. If at the end of any calendar year, there remains a surplus in the fund established in Section 4, the surplus shall be paid to the general fund of Walker County if the presiding Judge of the Fourteenth Judicial Circuit certifies in writing to the Judge of Probate of Walker County that in the judgment of the presiding judge the surplus, or any portion thereof, is in excess of an amount necessary to carry out this act. Any funds turned over to the county commission shall be used in its discretion for law enforcement or court purposes.

Section 7. It is the intent of the Legislature that this act providing for pretrial release shall be a guide to judicial officers in Walker County, as defined herein, to insure that no person be needlessly detained in the county because of his personal economic circumstances when release is not contrary to the public interest and to assure the defendant's presence at trial. It is not the intent of the Legislature that this act be liberally construed to allow the indiscriminate release of accused persons.

Section 8. As used in this act, the term "judicial officer" means, unless otherwise indicated, any circuit judge or equivalent thereof in the Fourteenth Judicial Circuit, the Judge of Probate of Walker County, and any district court judge or equivalent in Walker County, any district or municipal magistrate whose duties are authorized by law, and any municipal judge in Walker County.

Section 9. (a) A person in Walker County charged with an offense may at an appearance before a judicial officer, be ordered released pending a trial on personal recognizance or upon the execution of an unsecured appearance bond in an amount specified by the judicial officer, unless the judicial officer determines, in the exercise of discretion, that release will not reasonably assure the appearance of the person as required. When that determination is made, the judicial officer shall, either in lieu of or in addition to the above methods of release, impose the first of the following conditions of release to reasonably assure the appearance of the person for trial or, if no single condition gives that assurance, any combination of the following conditions:

(1) Place the person in the custody of a designated person agreeing to supervise the person.

(2) Place restrictions on the travel, association, or place of abode of the person during the period of release.

(3) Require the execution of a bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof.

(4) Impose any additional condition deemed to reasonably assure appearance as required, including a condition requiring that the person return to custody after specified hours.

(b) In determining which conditions of release will reasonably assure the appearance of a person as required, the judicial officer shall, on the basis of available information as presented by the state or its representative, or the defendant, take into account matters such as the nature and circumstances of the offense charged, the weight of the evidence against the person, his or her family ties, employment, financial resources, character and mental condition, past conduct, length of residence in the community, record of convictions, and any record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings. The judicial officer shall, in making factual determinations, consider that this act has two purposes, one of which is to assure the presence of the defendant at trial and the other of which is to assure that all persons, regardless of their financial or social status, shall not needlessly be detained pending their appearance to answer charges, or pending appeal, when detention serves neither the ends of justice nor the public interest.

(c) A judicial officer authorizing the release of a person under this section shall issue an appropriate order containing a statement of the conditions imposed, if any, inform the person of the penalties applicable to violations of the conditions of his or her release, advise the person that a warrant for arrest will be issued immediately upon any violation, and warn the person of the penalties provided in Section 4.

(d) A judicial officer ordering the release of a person on any condition specified in this section may at any time amend the order of release to impose additional or different conditions of release.

(e) If it is determined that custody or detention is required, all time spent in custody or detention shall count as part of any sentence to hard labor for the county or confinement in the county jail subsequently received by the person detained as a result of the charge or charges for which he or she was arrested and detained.

(f) The judicial officer shall determine the conditions of release as provided in this act at the time of the preliminary examination of the defendant or at any other time as the judicial officer may direct.

(g) Any other provision of this act to the contrary notwithstanding, a warrant magistrate or assistant warrant magistrate shall not have the authority to order that a person be released under this section when the person is accused of a capital crime or

of a crime where the defendant, if convicted, may receive a sentence of more than 20 years in prison.

(h) All sums collected under this section shall be paid into the Walker County Court Services Release Program established pursuant to Section 4.

Section 10. (a) A person who is released pursuant to this act who willfully fails to appear before any court or judicial officer as required, shall incur a forfeiture of any security given or pledged for release, and, in addition, shall be guilty of a Class B Misdemeanor, punishable as provided by the Alabama Criminal Code.

(b) Failure to appear after notice of an appearance date shall be prima facie evidence that the failure to appear was willful. Whether the person was warned when released of the penalties for failure to appear, shall be a factor in determining whether the failure to appear was willful. The district attorney, or any assistant district attorney, or any other person responsible for administering this act, shall initiate prosecution for violation of this provision by making an affidavit for a warrant to be issued by any officer authorized to issue warrants. The person who fails to appear shall be arrested and shall be brought before a judicial officer in the county in the same way other misdemeanor prosecutions proceed.

(c) A defendant may be convicted under this section, even if the defendant has not received actual notice of an appearance date, if (1) reasonable efforts to notify the defendant have been made, and (2) the defendant, by his or her own actions, has frustrated the receipt of actual notice.

Section 11. (a) A person who has been conditionally released pursuant to Section 9 and who has violated a condition of release, shall be subject to revocation of release and, in addition, may be prosecuted for contempt of court.

(b) A proceeding for revocation of release may be initiated upon notice to the district attorney by the warrant magistrate, assistant warrant magistrate, or any other person responsible for administering this act. A warrant for the arrest of a person charged with violating a condition of release may be issued by an officer authorized to issue warrants on the affidavit of a person responsible for administering this act. The person arrested under a warrant shall be brought before a judicial officer in the county. An order of revocation shall not be entered unless, after hearing, the judicial officer finds that there is clear and convincing evidence that the person has violated a condition of his or her release due to inattention, negligence, or by act of will.

(c) Contempt sanctions may be imposed if, upon a hearing and in accordance with procedures applicable to criminal contempt, it is

established that the person violated a condition of his release. The contempt proceedings shall be expedited and heard by the court without a jury. A person found guilty of contempt for violation of a condition of release shall be imprisoned for not more than six months, or fined not more than one thousand dollars (\$1,000), or both.

Section 12. (a) A person who has been conditionally released pursuant to Section 9 and as to whom there is probable cause to believe he or she has committed a felony or misdemeanor while released, shall be subject to revocation of release.

(b) A proceeding for revocation of release pursuant to this section, may be initiated by any person responsible for administering this act giving notice to the district attorney. When the district attorney receives a notice, a warrant for the arrest of a person who is charged with violating the conditions of release pursuant to this section, may be issued by any officer authorized to issue warrants, on the affidavit of the district attorney or any assistant district attorney, or on the affidavit of any person responsible for administering this act. The person arrested under a warrant pursuant to this section shall be brought before a judicial officer in the county. An order of revocation shall not be entered unless, after a hearing, the judicial officer finds by clear and convincing evidence that (1) a state or federal magistrate, judge, or judicial officer or grand jury has found probable cause to believe that the person has committed a felony or misdemeanor and (2) the act on which the felony or misdemeanor is based was committed while the person was released under this act.

Section 13. (a) There is hereby created a body to be known as the Walker County Court Services Commission, hereinafter called the "commission". The commission shall be composed of the following: The Sheriff of Walker County, the District Attorney of the Fourteenth Judicial Circuit, a Circuit Judge from the Fourteenth Judicial Circuit to be appointed by the presiding judge of the circuit, a judge of the District Court of Walker County to be appointed by the presiding District Court Judge in Walker County, the Circuit Court Clerk of Walker County, and the Chairman of the Walker County Commission.

(b) The commission shall have the duty to implement this act and to generally superintend all administrative functions pursuant to this act, subject, however, to the provisions of duly promulgated rules of court of the circuit and district court judges of Walker County. The commission shall not, however, be empowered to direct any judicial officer the exercise of his or her judicial functions. The commission shall have the authority to contract with individuals or nonprofit corporations to administer this act. The contractor shall serve at the pleasure of the commission, and operate the program in accordance with the state fiscal procedures, with full public disclosure, accountability and be subject to audits acceptable to the commission and any

applicable state agency or department of the state government; and shall obey any and all laws pertaining to the dispensing of public funds. The commission shall also have the authority, by contract or by assignment, to operate any other program which provides services related to the efficient and effective administration of this act.

(c) The commission shall make a continuing study of all activities conducted pursuant to this act and shall recommend to the Legislature any changes which it deems to be appropriate in the law to carry out and facilitate the purposes of this act, except that the commission shall have the authority to change the amount a person pays the program under Section 4 of this act.

(d) An agreement for the merger of the work release program provided for under Sections 1 through 5 of this act with any similar program operated by the Department of Corrections or any other department, agency, or bureau of the State of Alabama shall not be effective without the approval of the commission and, unless approved by the commission, shall be of no force and effect.

(e) The commission shall be empowered to issue subpoenas to compel the attendance of witnesses before the commission.

(f) The commission is designated as the agency to apply for, receive, and administer any grants of funds to be used to carry out this act from the United States Government or any agency thereof, the State of Alabama, or any agency thereof, or a private or quasi governmental foundation, corporation, firm, or agency. All funds received to the account of the commission shall be deposited to the fund established by Section 4 of this act.

(g) The commission shall elect a chairperson from among its membership and shall make its own rules for conducting its affairs. All meetings of the commission shall be in the Walker County Courthouse and shall be held at the call of the duly elected chairperson. The chairperson shall be required to call a meeting of the commission upon request in writing of any three members of the commission.

Section 14. All personnel employed by the Walker County Court Services Program shall have the same authority and powers vested in deputy sheriffs and all other peace officers of the State of Alabama. The personnel shall be responsible to the commission and shall perform all duties assigned to the commission.

Section 15. Nothing in this act shall interfere with or prevent the exercise by a court in this state of its power to punish for contempt.

Section 16. The procedures prescribed in this act shall be cumulative and in addition to all other bail and release procedures provided by law.

Section 17. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 18. All laws or parts of laws which conflict with this act are repealed.

Section 19. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

Approved May 13, 1993

Time: 2:25 P.M.

Act No. 93-527

H. 610 – Rep. Morrow

AN ACT

Relating to Franklin County; requiring the tax assessor and the revenue commissioner of the county having custody of any public writing, record, or document to permit inspection of the writing, record, or document; and providing for the method of making property record cards and work cards available to the public.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act “public officer” means the Tax Assessor and the Revenue Commissioner of Franklin County.

Section 2. Every public officer having custody of any public writing, record, or document, including, but not limited to, property record cards and work cards, shall permit any person to inspect and have direct access to any public writing, record, or document, as required by law.

Section 3. (a) During the hours the Franklin County courthouse is open, an employee in the office of the tax assessor or the revenue commissioner shall be assigned to the room where property record cards and work cards are stored. In addition to his or her regular responsibilities, the employee shall have the responsibility to make certain that the public has direct access to the property record cards and/or work cards. The responsibilities of the employee shall also include preserving and protecting the property record cards and work cards.

(b) In no case shall the property record cards and/or work cards be allowed to leave the room where they are stored, except under the direct supervision of the tax assessor, revenue commissioner, or his or her designee.

(c) A register shall be maintained by the employee assigned to the room where the property record cards and work cards are stored. The register as a minimum shall include the following:

(1) Visitors who enter the room where the property record cards and work cards are stored shall sign in.

(2) The property record cards and work cards reviewed during the visit shall be listed on the register. This register shall be kept confidential by the Tax Assessor or Revenue Commissioner, as to not violate client confidentiality.

(3) The visitor shall sign out as he or she exits the room where the property record cards and work cards are stored.

(4) The employee shall sign the register showing that the property record cards and work cards have been returned by the visitor.

(d) Absolutely no money shall be kept in the room where the property record cards and work cards are stored.

(e) The provisions of this act shall be in effect during the hours in which the Franklin County courthouse is open to the public.

Section 4. It is the responsibility of the Tax Assessor to keep property record cards and work cards updated.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:26 P.M.

Act No. 93-528

H. 66 – Rep. Parker (P)

AN ACT

Relating to Morgan County; amending Act No. 78-742, as amended by Act No. 80-276 so as to further define the terms “sale” and “sales” and to provide for the collection of the special county privilege license tax levied by said acts by the Morgan County Commission instead of the State Department of Revenue.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1, Section 3, Section 5, Section 6 and Section 7 of Act No. 742 of the 1978 Alabama Legislature, as previously amended by Act No. 276 of the 1980 Alabama Legislature, which acts levy a gross sales tax in Morgan County, are hereby amended to read as follows:

"Section 1. All words, terms, and phrases as defined in Sections 40-23-1, 40-23-2, 40-23-3, and 40-23-4 Code of Alabama 1975, as amended, providing for the levy of a state sales tax shall, wherever used in this act, have the same meanings respectively ascribed to them in said sections, except where the context herein clearly indicates a different meaning. In addition, the following words, terms, and phrases where used in this act shall have the following respective meanings except where the context clearly indicates a different meaning:

"State sales tax statutes' means Sections 40-23-1, 40-23-2, 40-23-3, and 40-23-4 of Code of Alabama 1975, as amended, which levy a certain retail sales tax, and include all statutes, including amendments to said sections, which expressly set forth any exemptions from the computations of the tax levied by said sections and all other statutes which expressly apply to, or purport to affect, the administration of said sections and the incidence and collection of the tax imposed therein;

"State sales tax' means the tax imposed by the state sales tax statutes;

"Month' means the calendar month;

"County gross receipts tax area' means all of Morgan County except the area thereof lying within the corporate limits as such are now or as such may hereafter be constituted, of the cities of Decatur and Hartselle and the towns of Falkville and Trinity.

"Sale' of 'sales' means installment and credit sales and the exchange of properties as well as the sale thereof for money, including every closed transaction constituting a sale, including but not limited to sales which are closed in the county gross receipts tax area where the seller has his place of business outside the county gross receipts tax area. Provided, however, that any such transactions arising out of or pursuant to contracts entered into prior to the effective date of this Act shall not constitute a 'sale' or 'sales' as defined herein.

"Section 3. Sales taxes levied in Section 2 of this act shall be due and payable in monthly installments on or before the 20th day of the month next succeeding the month in which the tax accrues. All taxes levied in this act shall be paid to and collected by the Morgan County Commission, or its designee, at the same time as Alabama state sales tax is due to be paid to the Alabama State Department of Revenue. On or prior to the due dates of the tax herein levied, each person subject to such tax shall file with the Morgan County Commission, or its designee, a report or return in such form as may be prescribed by the Morgan County Commission, or its designee, setting forth, with respect to all sales and business transactions that are required to be used as a measure of the tax levied, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business

transactions. Such reports shall also include such other items of information pertinent to the said tax and the amount thereof as the Morgan County Commission, or its designee, may require. Any person subject to the tax levied may defer reporting credit sales until after their collection, and in the event such person so defers reporting them, such person shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the tax due thereon at the time of filing such report.

“Section 5. The tax imposed by this act shall constitute a debt due Morgan County as provided by law. The said tax, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said tax is due or who is required to collect said tax. All of the provisions of the revenue laws of this state which apply to the enforcement of liens for license taxes due this state shall apply fully to the collection of the tax herein levied, and the Morgan County Commission, or its designee, shall collect such tax and enforce this act and shall have and exercise for such collection and enforcement all rights and remedies that the State of Alabama or the Alabama State Department of Revenue has for the collection of the state sales tax. The Morgan County Commission shall have full authority to employ such counsel, including the county attorney, as it deems necessary from time to time to enforce collection of the tax levied by this act, and to otherwise enforce the provisions of this act, including any litigation involving this act; and the Morgan County Commission shall pay counsel such fees as it deems necessary and proper from the proceeds of the tax collected hereunder.

“Section 6. All provisions of the state sales tax statutes with respect to the payment, assessment and collection of the state sales tax statutes with respect to the payment, assessment and collection of the state sales tax, making of reports and keeping and preserving of records with respect thereto, penalties for failure to pay the tax, the promulgation of rules and regulations with respect to the state sales tax, and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this act when applied to the tax levied in Section 2 of this act shall apply to the county tax levied under this act. The Morgan County Commission, and its designee, shall have and exercise the same powers, duties and obligations with respect to the county tax levied under this act that are imposed upon and exercised by the Alabama Commissioner of Revenue and the Alabama State Department of Revenue, respectively, by the sales tax statutes. All provisions of the state sales tax statutes that are made applicable by this act to the county tax levied under this act and to the administration and enforcement of this act are hereby incorporated herein by reference and made a part hereof as it fully set forth herein.

“Section 7. The Morgan County Commission may retain and deposit to the general fund of Morgan County, for general fund purposes and uses, ten percent of the total amount of the special county tax collected in said county under this act. Such amount shall be in lieu of any payment to Morgan County for collecting such special tax and may be deducted each month from the gross revenues from such special tax before distribution of the balance of said tax as herein provided. Any incorporated municipality within the county gross receipts tax area may, by resolution of the municipal governing body, elect to share in the proceeds of the special privilege license tax levied by this act and thereafter, upon compliance with the procedure hereinafter provided, shall be entitled to receive a pro rata share of the net proceeds of the tax herein levied, based upon the amount of tax collected within the corporate boundaries of said municipality. The municipal clerk shall immediately after adoption of such resolution notify the Morgan County Commission of such action. The share of the monthly distribution to which each such municipality shall be entitled shall be the ratio which the gross amount of tax collected within each municipality during the preceding month bears to the total tax collected within the entire county gross sales tax area during the same month. No later than the 20th day of each month, the Morgan County Commission, or its designee, after deducting ten percent of the gross tax collected hereunder and depositing the same to the general fund of Morgan County, shall distribute to each municipality which has theretofore made the election provided for hereinabove that municipality’s share of the net taxes collected as of the end of the preceding month. Ninety percent of the balance then remaining shall be distributed to the Morgan County Board of Education and the remaining shall be distributed to the Morgan County Association of Volunteer Fire Departments, Inc., and utilized by it to support and improve rural fire departments within Morgan County.”

Section 2. The provisions of this act shall be effective with respect to all sales and gross receipts which are closed or received on and after June 1, 1993. The Alabama State Department of Revenue shall remain responsible for the collection of all taxes arising from sales and gross receipts which are closed or received prior to June 1, 1993.

Section 3. The provisions of this act are severable. If any section or provision of this act is declared to be unconstitutional or invalid, such declaration will not affect the constitutionality or validity of the remaining portion of this act.

Section 4. Subject to the provisions of Section 2, this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:27 P.M.

Act No. 93-529

H. 728 – Reps. Hill, Knight (A)

AN ACT

Relating to Shelby County; providing for additional costs and charges in all Circuit and District Court cases and providing for the establishment of a Juvenile Court Services Fund and a Judicial Administration Fund in the county and the distribution of moneys in these funds.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other costs and charges in Circuit and District Court cases in Shelby County, a court charge of five dollars (\$5) shall be charged and collected by the Clerk of the Court. When collected by the Clerk of the Courts, four dollars (\$4) of each charge shall be remitted monthly to the Juvenile Court Services Fund and one dollar (\$1) of each charge shall be remitted monthly to the Judicial Administration Fund.

Section 2. In addition to all other costs and charges of court in Shelby County, a monthly supervision fee may be assessed in Juvenile cases by the judges of the Juvenile Court. The supervision fee shall be collected by the Juvenile Court office and deposited in the Juvenile Court Services Fund.

Section 3. (a) The Juvenile Court Services Fund is created for the deposit of the court cost moneys and fees specified in this act. The fund shall be maintained in an interest bearing account in a bank of known responsibility under the supervision of the Juvenile Court Judge of Shelby County.

(b) Any funds appropriated from the Juvenile Court Services Fund shall be expended solely for juvenile programs, for subsistence for the Juvenile Court Services staff in the county, to aid the functions of the Juvenile Court, and for the benefit of the children of Shelby County. Any funds expended shall be authorized by the Juvenile Court Judge of Shelby County.

Section 4. (a) The Judicial Administration Fund is created for the deposit of the court costs moneys specified in this act. The fund shall be maintained in an interest bearing account in a bank of known responsibility by the Presiding Circuit Court Judge.

(b) Any funds appropriated from the Judicial Administration Fund shall be expended for increasing the efficiency of Judicial Administration in Shelby County. Any funds expended shall be authorized by the Presiding Circuit Court Judge of Shelby County.

Section 5. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:28 P.M.

Act No. 93-530

H. 900 – Rep. Turner

AN ACT

Repealing Act No. 92-414, H. 19, 1992 Regular Session (Acts of 1992, p. 845), that requires the City of Mobile and other municipalities to make an annual appropriation to the Mobile County Board of Education.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 92-414, H. 19 of the 1992 Regular Session (Acts of Alabama, 1992, p. 845), is repealed effective October 1, 1995.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:29 P.M.

Act No. 93-531

H. 873 – Reps. Cagle, Hogan

AN ACT

Relating to the City of Carbon Hill in Walker County and the 14th Judicial Circuit; to levy certain additional costs and charges of court, to provide that the costs and charges shall be placed in a special Hazardous Duty Pay Fund, to provide hazardous duty pay for all sworn City of Carbon Hill Police Officers covered by the Minimum Standards Act; and to provide for implementation of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Notwithstanding any special, local, or general law to the contrary, there is levied additional court costs and charges of ten dollars (\$10) upon a criminal or civil case including, but not limited to, felony cases, misdemeanor cases, and traffic violation cases, whose jurisdiction is in the City of Carbon Hill Municipal Court of the 14th Judicial Circuit. The costs and charges levied by this act shall be in addition to all other costs and charges presently levied and shall be

collected as other costs and charges. The levy of the costs and charges shall commence on the effective date of this act and all cases pending at that time shall be subject to the levy of costs and charges.

All money derived from the costs and charges shall be remitted to the two Carbon Hill City Police Commissioners and placed in a special fund known as the "Hazardous Duty Pay Fund." Hazardous duty pay, as provided in this act, shall be paid exclusively from the fund and all funds deposited shall be used pursuant to this act.

In the event funds collected pursuant to this act are insufficient to pay the monthly hazardous duty pay to each police officer, the two Carbon Hill City Police Commissioners shall have no responsibility or liability to pay the payments and all hazardous duty pay shall be suspended until sufficient funds are collected and deposited in the "Hazardous Duty Pay Fund."

Section 2. In addition to all other compensation presently paid, each sworn police officer employed full time by the City of Carbon Hill, shall be entitled to hazardous duty pay equal to one hundred (\$100) per month. The sum shall be controlled and disbursed in the discretion of the two police commissioners.

The two police commissioners, in their discretion, shall begin paying the hazardous duty pay to the police officers on May 1, 1993, or the nearest payroll date thereafter.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:30 P.M.

Act No. 93-532

H. 879 – Reps. Carothers, Mathis, Beasley
AN ACT

To provide for the implementation of a constitutional amendment authorizing the county commission to regulate the operation of bingo in Houston County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. As used in this act the following words shall mean the following, unless the context clearly indicates otherwise:

(1) **BINGO.** The game, commonly known as bingo, where numbers or symbols on a card are matched with numbers or symbols selected at random.

(2) **BINGO SESSION.** A consecutive period of time not to exceed five consecutive hours during which bingo is played in a given day and not to exceed one day in a given week, except for special permit holders.

(3) **LOCATION.** A single building, hall, enclosure, or outdoor area used for the purpose of playing bingo pursuant to a permit or license issued under this act.

(4) **PERMIT HOLDER.** A qualified organization or qualified club which has a permit or license pursuant to this act.

(5) **PERSON.** Any human being, corporation, association, or other legal entity.

(6) **QUALIFIED CLUB.** A private club with annual membership dues of three hundred dollars (\$300) or more.

(7) **QUALIFIED ORGANIZATION.** A bona fide religious, educational, service, senior citizens, fraternal, or veterans' organization which qualifies as an exempt organization under Section 501(c) of the Internal Revenue Code and operates without profit to its members and, except for special permit holders issued pursuant to Section 4, which has been in existence continuously as that organization for a period of five years and which has owned or leased real property in Houston County for at least five years immediately prior to making application for operating bingo in Houston County.

(8) **SPECIAL PERMIT HOLDER.** One who holds a valid permit for a special occasion as provided by Section 4 of this act.

Section 2. The operation of bingo games for prizes or money by qualified organizations or qualified clubs for bona fide charitable, educational, or other lawful purposes shall be legal in Houston County, subject to this act.

Section 3. (a) No qualified organization or club shall be permitted to operate a bingo game unless the sheriff of the county first issues a permit to the organization or club authorizing it to do so. The permit described in this act is in addition to, and not in lieu of, any other business licenses which may be required by law, and no bingo game shall be operated until all required licenses have been obtained. A permit holder may hold only one permit and that permit is valid for only one location. A permit is not assignable or transferable.

(b) Any qualified organization or club desiring to obtain a permit to operate bingo games in a calendar year shall apply to the sheriff, on forms provided by that office, and shall pay an annual fee of one hundred dollars (\$100). Renewal application shall also

be filed with the sheriff. The sheriff shall refuse to grant a bingo permit to any applicant who fails to fully provide the information required by this subsection. Each applicant for a permit shall prove its length of existence and the ownership of real property in Houston County for at least the five years immediately preceding the application and provide the following information:

(1) The name and home address of the applicant and, if the applicant is a corporation, association, private club, or other similar legal entity, the names and home addresses of each of the officers of the organization or club, as well as the names and addresses of the directors, or other persons similarly situated, of the organization or club.

(2) The names and home addresses of each person who will be operating or promoting the bingo game.

(3) The names and home addresses of persons, organizations, clubs, or other legal entities that will act as surety for the applicant.

(4) The location at which the applicant will conduct the bingo games. Bingo games shall be held only on the premises wholly owned by a qualified permit holder with exception to a rental agreement pursuant to this act.

(5) A statement showing the convictions, if any, for criminal offenses, other than minor traffic offenses, of each of the persons listed in (1), (2), and (3) above.

(c) Permits may be amended upon resubmission of application, surrender of permit, and payment of a twenty-five dollar (\$25) fee.

Section 4. (a) A qualified organization or club which does not hold a permit, pursuant to Section 3, may apply for a special permit for conducting a bingo session at a designated location for a special occasion. The applicant shall submit to the sheriff a written application prepared in accordance with and on a form prescribed by rule of the sheriff. The application for a special permit shall include the information required by subsection (b) of Section 3, except that the applicant shall indicate the day or days on which the applicant will conduct the bingo session for the special occasion not to exceed one day per quarter per organization or club. Upon the sheriff determining that the applicant is a qualified organization or club, except that a special permit holder shall not be required to own or lease property five years prior to making application for a special permit, and is not ineligible pursuant to Section 13, and upon the applicant's payment of the required fee under this subsection to the office of sheriff, the sheriff may issue a special permit.

(b) A special permit shall contain the name and address of the permit holder and shall specify the location and the day on which the permit holder may conduct the bingo session.

(c) No more than one special permit may be issued to the same qualified organization or qualified club per quarter, not to exceed four per year.

(d) Special permits are not transferable or assignable.

Section 5. (a) Each bingo permit shall contain the name and address of the permit holder, the location at which the permit holder is permitted to conduct bingo, and the day or days of the week on which the permit holder is permitted to conduct bingo.

(b) The bingo permit holder shall display the permit conspicuously at the location where bingo is being conducted at all times during the conduct of the games.

Section 6. (a) It is the intention of the Legislature that only qualified organizations or qualified clubs which are properly issued permits or licenses, or special permits, pursuant to this act, shall be allowed to operate bingo games. A qualified organization or qualified club shall not lend its name or allow its identity to be used by any other person in operating or promoting a bingo game in which the other person has a substantial financial interest.

(b) All bingo cards shall be clearly marked with the name of the organization using the cards and it shall be unlawful for one qualified organization or qualified club to use cards owned by another. Notwithstanding anything to the contrary, with the consent of the sponsoring organization, any individual participant may use his or her personal card, but that individual is not exempt from any fees or charges.

(c) It shall be unlawful for two or more qualified organizations to pyramid the valuation of prizes in a manner to exceed the limits in cash, or gifts of equivalent value, as provided in Section 9. The term "equivalent value" shall mean the fair market value of the gift on the date the gift is given as the prize in a bingo game.

(d) Except as otherwise provided by this act, a qualified organization or qualified club may deduct the reasonable expenses of operating and conducting its bingo games. Reasonable expenses shall be defined as including customary and usual business overhead expenses and as specified in Section 8 of this act.

(e) No person shall pay consulting fees to any person for any services performed in relation to the operation or conduct of a bingo game.

Section 7. All fees collected by the sheriff under this act shall be paid into the county fund, and all necessary expenses incurred by that official in the administration and enforcement of this act shall be financed from that general fund, with the remainder distributed to the senior citizens organizations in Houston County.

Section 8. No less than 100 percent of the net proceeds of a bingo game shall be designated and expended for charitable or

educational purposes. Net proceeds means gross proceeds less reasonable expenses incurred or paid in connection with the holding, operating, or conducting of bingo, including the following bona fide expenses, in reasonable amounts:

(1) The purchase or rental of equipment necessary for conducting bingo and payment of services reasonably necessary for the repair and maintenance of equipment.

(2) Payment of cash prizes or the purchase of prizes of merchandise.

(3) Reasonable rental or mortgage payment on the location at which bingo is conducted.

(4) Insurance on the facilities and liability coverage, as is reasonable for the operation of bingo.

(5) Utilities.

(6) Janitorial services.

(7) The fee required for issuance or reissuance of a permit to conduct bingo.

(8) Other reasonable expenses incurred by the permit holder, not inconsistent with this act.

Section 9. (a) Bingo may not be conducted with any equipment which is not owned, being purchased, or being rented at a reasonable rate by the permit holder, except as otherwise provided in Section 6(b).

(b) Prizes given by any organization for the playing of bingo games shall not be less than 50 percent of the gross receipts in cash or gifts of equivalent value during any bingo session.

(c) A permit holder may not advertise bingo except to the extent and in the manner authorized by rule of the sheriff. If the sheriff allows a permit holder to advertise bingo, the permit holder shall indicate in the advertisement the purposes for which the net proceeds will be used by the permit holder.

(d) A permit holder shall display its bingo license conspicuously at the location where the bingo game is conducted.

(e) A permit holder shall conduct bingo games only at the single location specified in the permit holder's application.

(f) A permit holder, pursuant to Section 3 of this act, shall not conduct more than one bingo session during any one calendar week and no session shall exceed five hours.

(g) The same organization or club shall not be issued a special permit more than once quarterly and no session shall exceed five hours.

(h) No person under the age of 19 years shall be permitted to play, unless accompanied by a parent or guardian, any game or games of bingo conducted pursuant to any permit issued under this law. No person under the age of 19 years shall be permitted to conduct or assist in conducting any game of bingo conducted pursuant to this act.

Section 10. Each permit holder shall maintain the following records pertaining to each bingo session for at least one year from the date of the session:

(1) An itemized list of gross receipts for each session.

(2) An itemized list of all expenses, including the name of each person to whom the expenses are paid and a receipt or invoice for all expenses.

Section 11. (a) On or before April 15th, after this act has been in effect for one year, and on or before April 15 of each calendar year thereafter, each permit holder shall file with the sheriff a copy of the records required in Section 10 relating to the operation of bingo sessions in the previous calendar year. The records shall be open to inspection by any law enforcement agency.

(b) The records required to be kept by Section 10 by the permit holder for the preceding one year shall be open to inspection by the sheriff, any law enforcement agency or the duly authorized representatives of either during reasonable business hours.

(c) The location at which bingo is being conducted, or at which an applicant or permit holder intends to conduct bingo, shall be open to inspection during regular business hours by the sheriff or any law enforcement agency.

Section 12. The sheriff, for good cause shown, may revoke any permit if the permit holder or any officer, director, agent, member, or employee of the permit holder violates this act or rule promulgated pursuant to this act. The revocation by the sheriff shall become effective 10 days after proper notice by the sheriff to the permit holder unless within the 10-day period the permit holder makes a written request for a hearing to the county governing body. All existing rules and procedures for meetings and hearings before the county governing body of Houston County shall apply unless in direct conflict with this act. Following a full hearing and the rendering of a written decision by the county governing body, either party may appeal the decision directly to the circuit court of Houston County and request a trial by jury. The rendering of a decision adverse to the permit holder by the municipal governing body shall result in the immediate revocation of the subject permit.

Section 13. (a) A permit holder whose permit or special permit is revoked for a violation of this act or a rule promulgated under this act, is ineligible to apply for a permit for a period of one year after the revocation.

(b) A person convicted of an offense under Section 15 or any other gambling offense is ineligible to serve as an officer or a permit holder, or to participate in conducting bingo for a period of one year after the conviction becomes final. If the person is licensed pursuant to this act, the person shall forfeit the permit and is ineligible to apply for the issuance or reissuance of the permit for a period of one year from the date of conviction.

(c) If the permit is revoked, in addition to other penalties which may be imposed, the sheriff may declare the violator ineligible to conduct a bingo game or apply for a permit under this act for a period not exceeding one year.

(d) The permit holder shall return its permit to the sheriff on or before the effective date of a revocation or forfeiture. Whether returned or not, the permit shall not be valid beyond the effective date of the revocation or forfeiture.

Section 14. The circuit court of the county shall have jurisdiction to restrain or enjoin violations of this act and shall afford trial by jury for all appeals directed to it for alleged violations of this act leading to revocations of existing permits.

Section 15. Any person who violates this act shall be guilty of a Class C misdemeanor upon first conviction under this act. Any subsequent conviction shall be a Class A misdemeanor. Any person who is convicted under this section shall be punished as provided by law.

Section 16. Any device, equipment, record, money, or stakes used in any bingo game or operation in violation of this act, may be contraband and may be seized and be forfeited. Property forfeited may be sold, destroyed, or retained for official use by the municipal, county, state, or law enforcement agencies, as the circuit court directs following a full due process hearing.

Section 17. Any other law providing a penalty or disability on a person who conducts or participates in bingo games, who possesses equipment used in conducting bingo, who permits bingo to be conducted on his or her premises, or who does other acts in connection with bingo, shall not apply to the conduct when done pursuant to this act or rules promulgated under this act.

Section 18. This act is severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 19. All laws or parts of laws which conflict with this act are repealed.

Section 20. This act shall become effective upon the adoption of an amendment to the Constitution of Alabama of 1901, authorizing bingo in Houston County. The election may be called no more

frequently than every two years. If the amendment is approved by a majority of the qualified electors of Houston County who vote upon its submission, that election shall constitute a referendum election held for this purpose and no further election need be called.

Approved May 13, 1993

Time: 2:31 P.M.

Act No. 93-533

H. 763 – Rep. Letson

AN ACT

Relating to Lawrence County and volunteer fire departments, including volunteer fire departments with emergency medical technicians; to authorize the county governing body to levy a fee on dwellings and commercial buildings; to provide for the distribution of the fee to eligible volunteer fire departments; to provide for the collection and accounting for the fee; to limit any liability of the county in the operation of volunteer fire departments; and to provide for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. The provisions of this act shall apply to Lawrence County.

Section 2. The Legislature declares that all volunteer fire departments, including volunteer fire departments that have emergency medical technicians that are members, are organizations that are public in nature and serve to protect the health, safety, and welfare of the citizens of the county.

Section 3. For the purposes of this act the following words shall have the following meanings:

(1) **Commercial Building.** Any building that houses one or more separate business enterprises that purchase and display a business license applicable to the business enterprise. In the case of a commercial building with more than one business located in the building, a separate fee shall be assessed on the building for each business located in the building, but in no case shall a fee be assessed more than one time on the same space.

(2) **Dwelling.** Any building, structure, or other improvement to real property used for, or expected to be used as, a dwelling or residence for one or more human beings, including specifically but not limited to: (a) any building, structure, or improvement assessed, for purposes of state and county ad valorem taxation as single-family owner-occupied residential property; (b) any other residential building with each residential unit to be considered a separate dwelling; or (c) any mobile home or house trailer.

Section 4. The governing body of Lawrence County is authorized, in its discretion, to levy, in addition to any and all taxes or fees levied prior to the effective date of this act, a fee in the amount of twenty-five dollars (\$25) per year on each dwelling and commercial building in Lawrence County.

Section 5. The fee provided in this act shall be levied, collected, administered, and enforced as closely as possible at the same time, in the same manner, and under the same requirements and laws as state ad valorem taxes. Any exemption of property from ad valorem tax shall be recognized in determining whether the fee provided by this act is due. The officials collecting or assessing the fee shall be entitled to the same fees and compensation as are provided for collecting and assessing ad valorem taxes. The proceeds of the fee shall be paid into the county general fund. Within thirty days after payment into the county general fund, the county governing body shall pay the funds to the Lawrence County Firefighters and Rapid Responders, Inc., hereafter referred to as the county association. The county association shall distribute the funds among all eligible volunteer fire departments as follows:

(1) Fifty percent of the money shall be divided equally among all eligible volunteer fire departments.

(2) Fifty percent of the money shall be divided according to a percentage based upon the number of owners of dwellings and commercial buildings in a fire district compared to the total number of owners of dwellings and commercial buildings in the county as a whole. The county association may establish rules and procedures regarding the transfer, accounting, and handling of the funds, and the assessing of administration costs.

Section 6. In order to be an eligible volunteer fire department for purposes of this act, a volunteer fire department shall be certified under the Alabama Forestry Commission guidelines and a member in good standing of the Lawrence County Firefighters and Rapid Responders, Inc.

Section 7. Funds disbursed to eligible volunteer fire departments pursuant to this act shall be expended only for fire protection and emergency medical services, including training, supplies, buildings, capital improvements, equipment, insurance, professional services, and dues. The funds shall not be expended for salaries, food, drink, social activities, or fund-raising activities. After receiving funds, the volunteer fire departments shall keep accurate records to verify that the funds are properly expended. By September 15th of each year, the department shall file a report with the county association detailing the expenditure of all funds during the previous twelve months and setting out a schedule of all proposed projects. The filing shall account for all unspent funds

and whether any unspent funds have been obligated. Unspent funds that have not been obligated which exceed the amount of total receipts paid to the department for the prior year from this fee shall be returned to the county association for redistribution as provided in Section 5. The county association shall supply the accounting forms to each eligible volunteer fire department. A copy of the year-end report shall also be filed with the county commission and shall be audited by the Examiners of Public Accounts of the state on the same basis as county funds are audited.

Section 8. Upon the dissolution or abandonment of any eligible volunteer fire department, any remaining funds derived from this act or any assets purchased with any funds derived from this act shall be transferred to the county association.

Section 9. The personnel of volunteer fire departments and emergency medical technicians that are members of volunteer fire departments funded as provided for in this act shall not be considered employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of volunteer fire departments and emergency medical technician units.

Section 10. In the event the county governing body levies the fee authorized by this act, the fee shall continue to be levied only if approved by a majority of the qualified electors of the county voting at a referendum election held at the next general election following the levy of the tax. The question shall be substantially as follows: "Do you favor the continuation of the fee levied pursuant to Act No. ____ of the 1993 Regular Session of the Alabama Legislature? Yes ____ No. ____ ." The judge of probate of the county shall place the question on the ballot.

If a majority of the votes cast in the election are "Yes," this act shall remain in effect. If a majority of the votes cast are "No," this act shall have no further effect, and the fee shall not be collected for the tax year of the election or thereafter.

In the event the county governing body does not levy the fee authorized by this act, the fee shall only be levied if the levy of the fee is approved by a majority of the qualified electors of the county voting at a referendum election held for that purpose at the next general election following the effective date of this act. The question shall be substantially as follows: "Do you favor the levy of a fee for fire protection and emergency medical service pursuant to Act No. ____ of the 1993 Regular Session of the Alabama Legislature? Yes ____ No ____ ." The judge of probate of the county shall place the question on the ballot.

If a majority of the votes cast in the election are "Yes," this act shall remain in effect. If a majority of the votes cast are "No," this act shall have no further effect.

Section 11. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 12. All laws or parts of laws which conflict with this act are repealed.

Section 13. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:32 P.M.

Act No. 93-534

S. 413 – Senator J. Smith

AN ACT

Relating to Limestone County; providing further for the distribution of a special recording fee on documents filed in the probate office.

Be It Enacted by the Legislature of Alabama:

Section 1. All special recording fees collected in Limestone County on instruments filed in the office of the judge of probate, pursuant to Act No. 81-510, S. 572, 1981 Regular Session, as amended, shall be deposited by the judge of probate into the "Judge of Probate's Discretionary Fund." The monies in this fund shall be expended by the judge of probate for general office operations.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:33 P.M.

Act No. 93-535

S. 553 – Senator Ghee

AN ACT

Relating to Calhoun County, amending Act 92-465 of the 1992 Regular Session regarding the imposition of a sales tax on liquors sold by licensees for on-premises consumption, altering the date licensees subject to the tax must report purchases to the Judge of Probate.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act 92-465 of the 1992 Regular Session (Acts of 1992, p. 932), is amended to read as follows:

"Section 5. (a) No later than the 15th day of the first full calendar month immediately following the effective date of this act, and no later than the 20th day of each calendar month thereafter, each alcoholic beverage licensee subject to this act shall file with the Judge of Probate a record of the amount of each purchase of spirituous and vinous liquor made by the licensee during the month next preceding together with the name and address of the state wholesale store from which the purchase was made, and the date of the purchase, on forms prescribed and supplied by the Judge of Probate. Any licensee failing to timely file the reports shall be subject to a penalty in an amount equal to 20 percent of the total purchases delinquently filed.

"(b) Any licensee failing, refusing, or omitting to file the required records shall be guilty of a misdemeanor, and each day the default continues shall constitute a separate offense."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:34 P.M.

Act No. 93-536

S. 560 – Senator Hale

AN ACT

Providing for a board of education for the City of Cullman, to be elected by the ~~qualified electors of the city from the city at-large~~; providing for the terms of office, qualifications, and compensation of the members; prescribing procedures for electing the members and for filling vacancies on the board; providing certain immunity for the board members; providing for financial audits of the records of the board; and providing that this act shall become effective upon the ratification of an amendment to the Constitution of Alabama of 1901, authorizing the election of the school board for the City of Cullman in Cullman County.

Be It Enacted by the Legislature of Alabama:

Section 1. There is established a school board for the City of Cullman, Alabama, which board shall be called "The Cullman City Board of Education." The board shall be composed of five members elected from the city at-large by the qualified electors of the City of Cullman. Places on the board shall be numbered one to five, inclusive.

Section 2. Each candidate for a place on the city board of education shall be at least 21 years of age, residents of the city for

at least 90 consecutive days immediately preceding the deadline date for qualifying as a candidate, and shall not have a record of conviction for any crime involving moral turpitude. The qualification fee for the first election to be held for the board created by this act shall be twenty-five dollars (\$25) for each candidate. Thereafter, each candidate shall pay a qualifying fee prescribed by the Cullman City Council not later than six months prior to the qualifying deadline as provided by law.

Section 3. The initial election for the city school board members shall be held in conjunction with the first Cullman City Council election held after the ratification of an amendment to the Constitution of Alabama of 1901, authorizing the election of the Cullman City Board of Education. The last two Cullman City Board of Education members appointed before the effective date of this act shall continue to hold office and shall represent Places Four and Five. At the initial election, the members representing Places One, Two, and Three shall be elected for four-year terms; two years after the first election, the members representing Places Four and Five shall be elected for four-year terms. After initial terms, all members shall be elected for four-year terms. Subsequent school board elections shall be called by the city in conformity with the applicable state laws for the elections. Board members shall serve from the date on which they are sworn into office until the swearing in of their successors following the next regularly scheduled school board elections. Terms of office for the initially elected board members shall commence at noon on the first day of the month following their election. At its initial meeting, the board shall elect a chair from its membership by majority vote. Thereafter, every two years immediately following the swearing in of elected board members, the board shall elect its chair.

Section 4. A vacancy in the city board of education shall be filled by appointment by a majority of the remaining members of the city board of education for the unexpired term. In the event the vacancy is not filled by the remaining members of the city board within 30 days, the State Superintendent of Education shall fill the vacancy by appointment. The city superintendent of education shall notify the State Superintendent of Education when a vacancy on the city board of education has not been filled within 30 days.

Section 5. In the event no candidate receives a majority of all of the votes cast for any one or more positions on the school board, the city council shall order a run-off election to be held separately or in conjunction with any scheduled primary, special, or general election, at which election the two candidates receiving the most votes for the office in the initial election shall be the only candidates. The candidate receiving the most votes in the run-off election shall be declared

as elected. In the event of a tie vote between the run-off candidates, the city council shall decide the election by majority vote at a special meeting called for the purpose by the council's presiding officer.

Section 6. The compensation for the members of the school board shall be three hundred dollars (\$300) per month to be paid from city school system funds. The board may change this amount by majority vote thereof, which changes shall be made not later than six months prior to the deadline for qualification of candidates for seats on the board of education. Thereafter, the compensation as set by the board from time to time shall be in effect for successor boards.

Section 7. The board of education shall have the financial records of the Cullman School System audited at least annually by an independent auditing firm with the results of the audit being a matter of public record.

Section 8. The members of the board shall have the powers, authority, duties, and responsibilities as are otherwise provided by law for members of boards of education as set forth in Chapter 11, Title 16, Code of Alabama 1975.

Section 9. This act shall become effective immediately upon the ratification of an amendment to the Constitution of Alabama of 1901, authorizing the election of the Cullman City Board of Education.

Approved May 13, 1993

Time: 2:35 P.M.

Act No. 93-537

S. 590 – Senator Barron

AN ACT

Relating to DeKalb County; providing for an additional expense allowance and salary for the sheriff.

Be It Enacted by the Legislature of Alabama:

Section 1. Commencing on the first day of the month immediately following the effective date of this act, the Sheriff of DeKalb County shall be entitled to an additional expense allowance in the amount of fifteen thousand dollars (\$15,000) per annum, which shall be in addition to all other expense allowances, compensation, or salary provided by law. This expense allowance shall be payable in equal monthly installments from the general fund of the county.

Section 2. Beginning with the expiration of the term of the incumbent sheriff, the annual salary for the sheriff shall be increased by fifteen thousand dollars (\$15,000) per annum, payable in equal monthly installments from the general fund of the county and at that time Section 1 shall become null and void.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law, except as otherwise herein provided.

Approved May 13, 1993

Time: 2:36 P.M.

Act No. 93-538

S. 594 – Senator Ghee

AN ACT

Relating to Calhoun County; providing that the Calhoun County Economic Development Council may contract with the United States of America, the State of Alabama, other county governments; and other councils or committees, local or otherwise, which are set up for economic and business development, for the purpose of promotion of regional industrial development.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall be operative only in Calhoun County.

Section 2. (a) The Calhoun County Economic Development Council (CCEDC) is authorized and empowered to enter into contracts, leases, compacts, or other form of agreement with the United States of America or its agencies, departments, bureaus, divisions, or institutions, with the State of Alabama or its agencies, departments, bureaus, divisions, or institutions, and with any other county or economic development authority, within or without the state, for the purpose of receiving or acquiring funds, matching funds, services, land, materials, supplies, buildings, structures, waterways, docking facilities, and any and all other benefits deemed for the public interest in the promotion of regional industrial and economic development.

(b) The contracts, leases, compacts, or other forms of agreement may contain covenants and considerations as considered reasonable and necessary and for public use only, including, but not limited to, contributions by the CCEDC either in funds or materials, supplies, machinery, services, land, labor, rights-of-way, easements, buildings, terminals, and related facilities for waterway improvements and expansion and may contain other provisions of maintenance, indemnification and utility facilities as shall be required by the contracting agencies to provide a useful and feasible development for use by the public.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:37 P.M.

Act No. 93-539

S. 595 – Senator Ghee

AN ACT

To allow the District Attorney for the Seventh Judicial Circuit to initiate and conduct a Pretrial Diversionary Program within the circuit for first offenders who are charged or may be charged with certain offenses, and to permit the District Attorney to bring legal proceedings against diversion applicants or other criminal defendants on behalf of victims of crime.

Be It Enacted by the Legislature of Alabama:

Section 1. The following words or phrases when used in this act shall mean:

(1) **ACCUSATORY INSTRUMENT.** A warrant of arrest, information, or grand jury indictment.

(2) **DEFERRED PROSECUTION.** The suspension of prosecution prior to indictment for a specified period of time upon the request of the accused with the consent of the District Attorney.

(3) **DIVERSIONARY SCREENING.** The discretionary power of the District Attorney to suspend, prior to the indictment, all formal prosecutorial proceedings against a person who has become involved in the criminal justice system as a defendant or an accused.

(4) **NONCRIMINAL DISPOSITION.** The dismissal of a criminal charge without prejudice to the state to reinstate criminal proceedings on motion of the District Attorney as herein provided.

(5) **PREPROSECUTION or PRETRIAL DIVERSION.** The imposition of conditions of behavior and conduct by the District Attorney upon defendants charged with certain criminal offenses for a specified period of time prior to the formal prosecution or indictment.

(6) **PROSECUTORIAL DISCRETION.** The power of the District Attorney, prior to indictment, to consider all circumstances of criminal proceedings and to determine whether any legal action is to be taken and if so taken, of what kind and degree and to what conclusion.

Section 2. The District Attorney for the Seventh Judicial Circuit is specifically endowed with and shall retain all of his or her discretionary powers under the common law.

The District Attorney shall have the prosecutorial discretion as defined herein or any which he or she has under the common law, and may as a matter of such prosecutorial discretion establish a pretrial or a preprosecution diversionary or deferred prosecution program in all courts within the circuit.

Section 3. The District Attorney shall utilize the discretion to screen or divert cases out of the criminal justice system when he or she feels that the advantages of the diversion, or preprosecution

probation would outweigh the advantages of prosecution. Among the factors which may be considered by the District Attorney are:

- (1) Undue hardship caused to the accused or the victim.
- (2) Excessive costs of prosecution in relation to the offense.
- (3) Possible deterrent value of prosecution.
- (4) Aid to other prosecution goals through nonprosecution.
- (5) The expressed wish of the victim not to prosecute or to prosecute.
- (6) Age of the case and of the defendant.
- (7) The seriousness of the crime and the effect upon the public sense of security and justice if the offender were to be treated without criminal conviction.
- (8) Whether the offender or the victim has medical, psychiatric, family, or vocational difficulties.
- (9) Whether there is a reason to believe that the offender or the victim will benefit from and cooperate with a diversionary program.
- (10) What the impact of criminal charges would be upon the victim, witnesses, the offender, and their families.
- (11) The economic advantages of restitution of loss to the victim.

Section 4. The presiding judge of the Criminal Division of the Seventh Judicial Circuit, after consultation with the other circuit judge of the circuit, shall appoint an advisory commission comprised of at least seven citizens of counties within the circuit which shall be known as the Citizens Advisory Commission on Prosecution. The commission shall serve at the pleasure of the appointing authority for the circuit, and shall make recommendations to the District Attorney concerning which defendants shall be eligible or shall not be eligible for preprosecution or pretrial diversion based upon criteria established by the District Attorney and the commission, and upon its consideration of factors enumerated in Section 3.

The commission shall serve without personal profit, but may be paid from the funds of the District Attorney for actual expenses incurred in connection with its duties.

At least one member shall be appointed upon the recommendation of the Board of Directors of the Bar Association of the counties comprising the circuit.

Section 5. Prior to or upon the issuance of an accusatory instrument other than an indictment charging a defendant with an offense other than an offense enumerated in Section 7, the District Attorney, upon the request of the defendant, may withhold prosecution or presentment to the grand jury thereon. The District

Attorney may then establish a preprosecution or pretrial diversionary program for a specified period of time.

Section 6. During that period, the District Attorney may impose conditions upon the behavior and conduct of the defendant which assures the safety and well being of the community as well as that of the defendant.

The conditions imposed by the District Attorney shall include the following:

(1) Placing the person under the supervision of a designated person or organization or appointed agency agreeing to supervise the defendant.

(2) Requiring absolute noncriminal behavior on the part of the defendant.

(3) Requiring the defendant to conduct himself or herself in an honorable manner as a good member of the community, and not endanger the person, property rights, dignity, or morals of himself or herself or others.

(4) Requiring the defendant to comply with municipal, county, state, and federal laws, ordinances, and orders.

(5) Requiring the defendant to promptly reply to communication from the Office of the District Attorney, probation counselor, or other representative or person designated by the District Attorney or the probation department.

(6) Requiring the defendant to submit written reports in accordance with the instructions of the Office of the District Attorney or the probation department or other written or oral reports as required of the defendant by the Office of the District Attorney or probation department.

(7) Requiring the defendant to be absolutely truthful in the oral or written reports.

(8) Requiring the defendant to make every effort to obtain and hold a legitimate job and cooperate with the Office of the District Attorney in an effort which the office may make to obtain employment for the defendant.

(9) Requiring the defendant to report a loss of employment to the Office of the District Attorney or his or her probation counselor.

(10) Requiring the defendant to give notice of his or her arrest on any charge to the Office of the District Attorney or to his or her probation counselor.

(11) Requiring the defendant to support his or her dependents, if any, and assume toward them all moral and legal obligations.

(12) Requiring the defendant to pay restitution to the victim of the offense in an amount and upon terms determined by the District Attorney.

(13) Requiring the defendant to pay a monthly supervision fee to the Office of the District Attorney in an amount equalling for monthly supervision fee paid by probationers and parolees to the Alabama Board of Pardons and Paroles, and the supervision fee monies shall be used to support the preprosecution diversionary program, or for other law enforcement purposes.

Section 7. Persons charged with the following criminal conduct shall not be eligible for participation in any preprosecution diversionary program instituted under the provisions of this act.

- (1) Kidnapping.
- (2) Arson.
- (3) Extortion.
- (4) Bribery by or of a public official.
- (5) Burglary in the first degree.
- (6) Illegal use of dynamite or other explosives.
- (7) Escape.
- (8) Homicides.
- (9) Assault in the first degree.
- (10) Forcible sex crimes.
- (11) Robbery.
- (12) Sale of controlled substances.
- (13) Sexual offenses involving a child.
- (14) Violation of public officials' duty and obligation.
- (15) Introduction of drugs into a penal or correctional institution.
- (16) Capital offense.

Section 8. Prior to the issuance of an indictment by a grand jury, the responsibility and authority for the decision to screen or divert cases, or to refuse to screen or divert particular cases, shall rest within the sole judgment and discretion of the District Attorney for the circuit. After the issuance of an indictment, a criminal case shall not be diverted or screened without the express approval and concurrence of the presiding judge of the circuit or a circuit court judge designated by him or her for such purposes, and the approval and acceptance into the program shall not require the defendant to enter a plea or change a prior plea.

Section 9. A defendant voluntarily participating in the program shall have the right to:

(1) Insist on criminal prosecution at any time the prosecution for the offense for which he or she is charged is pending, and to have a circuit court judge determine whether pressure or coercion was applied to the defendant to accept noncriminal disposition.

(2) The right of counsel of his or her choosing or if indigent, court appointed counsel during all phases of the diversionary or preprosecution probationary proceedings, unless the right to counsel is knowingly and voluntarily waived by the accused.

Section 10. In conducting the program, the District Attorney may:

(1) Insist at any point upon the reinitiation of criminal proceedings, when, in his or her judgment, the action would be desirable.

(2) Require the services of available probation workers within the county comprising the circuit for investigation reports for the purposes of determining eligibility of persons for participation in the pretrial probation.

Section 11. After the completion of the preprosecution or pretrial diversionary period and the conditions imposed upon the defendant to the satisfaction of the District Attorney, defendants participating in the programs shall be entitled to a noncriminal disposition of charges against him or her which may be done by the appropriate judge entering on a docket sheet, "Diverted and Dismissed."

The noncriminal disposition may, in the discretion of the District Attorney, be without prejudice to the State of Alabama for the reinitiation of criminal proceedings on the diverted criminal charges upon any subsequent criminal activity on the part of the accused.

Section 12. At the request of the defendant, the District Attorney for the circuit may file in the circuit courts of the circuit or elsewhere as necessary, petitions seeking to expunge or purge all records against an accused for the diverted offense, provided, however, the accused has satisfactorily performed the conditions of his or her preprosecution probation, if any.

The circuit courts of the circuit are empowered to issue whatever process necessary to grant the petitions.

Section 13. The county commission for the circuit shall in their discretion expend monies from the General Fund of the county for the payment of any or all of the costs of the program.

Section 14. The District Attorney for the circuit may, in his or her discretion, use or expend monies from the District Attorney Fund for any or all of the costs of the program.

Section 15. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 16. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:38 P.M.

Act No. 93-540

S. 624 – Senator Barron

AN ACT

Relating to DeKalb County; creating the DeKalb County Economic Development Authority; to provide for the authority's composition, terms, duties, and powers; and to provide for appropriations from county funds for the operation of the authority.

Be It Enacted by the Legislature of Alabama:

Section 1. There is created the DeKalb County Economic Development Authority. The authority is created for the purpose and has the responsibility of aiding and assisting current industries and coordinating efforts of all municipal and county agencies of DeKalb County, Alabama, as well as aiding organizations in the development of new industries which will provide job opportunities for the citizens of DeKalb County.

Section 2. (a) The authority shall be governed by a board of directors consisting of seven members. Two of the seven members shall be appointed by the DeKalb County Commission. Three members shall be appointed by a majority vote of the legislators representing DeKalb County. One member shall be appointed by the Mayor and council of the municipality that is the county seat of the county. One member shall be appointed by the DeKalb County Mayors' Association. Vacancies on the board shall be appointed by the same appointing authority who made the initial appointment.

(b) The initial terms of the directors shall be staggered. Two members shall serve for a term of two years, two members shall serve for a term of three years, and three members shall serve for a term of four years. Within thirty days following the effective date of this act, the appointing authorities shall submit in writing the name and address of the members of the board of directors to the judge of probate and a record of the appointments shall be filed and maintained in the office of the judge of probate. At the organizational meeting of the members of the board of directors of the authority, the members shall by lot select the initial term for which each shall serve. The term

of each member shall be filed with the judge of probate. The term of office for all members after the initial term shall be four years.

(c) The members shall also elect from among themselves a president, vice-president, secretary, and treasurer. Each officer of the board shall serve for a period of one year, or until a successor is elected to serve. The officers of the board shall not be bonded, except the treasurer, who shall obtain a bond in a reasonable amount.

(d) The members of the board shall receive the same per diem and mileage for actual attendance of meetings of the board as allowed for state employees for up to 12 meetings in any one year.

Section 3. In addition to regular members of the board, the board shall have advisory members who shall act in an advisory capacity and shall not have the right to vote as a member of the board of directors. Advisory members of the board of directors shall consist of the following: one advisory member appointed by each incorporated municipality within DeKalb County, one advisory member from each industrial development board within the county, one advisory member appointed by the DeKalb County Chamber of Commerce, one advisory member appointed from the DeKalb County Board of Education, and one advisory member from the City Board of Education of the City of Ft. Payne. Any additional advisory members shall be governed by the by-laws.

Section 4. (a) The authority shall have the power to employ a qualified executive director who shall have the responsibility of carrying forth policies and directives of the board of directors. The executive director shall serve at the pleasure of the board. The board of directors shall set the salary of the executive director and shall provide necessary office space and clerical help.

(b) The authority shall have the power to solicit and receive contributions from other government entities, corporations, partnerships, or individuals. The authority shall submit to audits by the Examiners of Public Accounts.

Section 5. The county commission shall appropriate for the operation of the authority \$50,000 each year from the DeKalb County General Fund and \$50,000 from funds received by the county from the state from payments made by the Tennessee Valley Authority in lieu of taxes.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this act are hereby repealed.

Section 8. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:39 P.M.

Act No. 93-541

S. 665 – Senator Campbell

AN ACT

Relating to Lawrence County; amending Act No. 81-592, H. 1028, 1981 Regular Session, as amended, which provides for the distribution of in-lieu-of-taxes payments made by the Tennessee Valley Authority, so as to further provide for the distribution.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 81-592, H. 1028, 1981 Regular Session, as amended, is further amended to read as follows:

“Section 1. Pursuant to the authority granted by Section 40-28-1 through 40-28-3, inclusive, Code of Alabama 1975, Lawrence County’s share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes shall be distributed as provided by this act:

“A. For the 1983-84 fiscal year, the Lawrence County Commission shall receive ninety thousand dollars (\$90,000) in a special allotment to replace alcoholic beverage proceeds taxes and to assist the following agencies in the following amounts:

“1. Each fire department established before January 1, 1982, shall receive two thousand dollars (\$2,000).

“2. Each fire department established after January 1, 1982, shall receive four thousand dollars (\$4,000).

“3. The Lawrence County Rescue Squad shall receive two thousand dollars (\$2,000).

“4. The Lawrence County Youth Aid Fund shall receive two thousand dollars (\$2,000).

“B. For the 1984-85 fiscal year and each fiscal year thereafter, each fire department, the Lawrence County Rescue Squad, and the Lawrence County Youth Aid Fund shall receive two thousand dollars (\$2,000) annually.

“C. The Lawrence County Board of Education shall receive 33 1/3 percent of the total amount remaining after ninety thousand dollars (\$90,000) is deducted as per Section A and B and after the money paid to the municipalities according to Section 40-28-3, Code of Alabama 1975, is deducted from the Tennessee Valley Authority money.

"D. All other money received by the county in Tennessee Valley Authority payments in lieu of taxes, after the money paid to the municipalities according to Section 40-28-3, Code of Alabama 1975, and after the monies in Sections A, B, and C, are allocated, shall be paid into the county general fund. Of this amount, for the 1993-94 fiscal year and each fiscal year thereafter, the first one hundred and fifty thousand dollars (\$150,000) shall be paid to the Industrial Development Board of Lawrence County – George C. Wallace Air Park Authority. Provided, however, in any year in which the amount of payments received are greater than the amount of payments received during the year in which the amendatory act adding this language becomes effective, the payments to the Industrial Development Board of Lawrence County – George C. Wallace Air Park Authority shall increase proportionately."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:40 P.M.

Act No. 93-542

S. 162 – Senators Amari, Parsons and Wilson

AN ACT

Revising the application of the Abandoned Mine Reclamation Act by amending Sections 9-16-121 and 9-16-124 of the Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 9-16-121 and 9-16-124 of the Code of Alabama 1975, are amended to read as follows:

"§9-16-121.

"For the purpose of this article the following terms shall have the following meanings unless the context clearly indicates otherwise:

"(1) **ABANDONED MINE LANDS.** Lands affected by the mining of coal prior to November 5, 1990, and left in either an unreclaimed or inadequately reclaimed condition, and for which there is no continuing reclamation responsibility required under state or federal law, and which continue in their present condition to substantially degrade the quality of the environment, prevent or damage the beneficial use of land or water resources, or endanger the health or safety of the public.

"(2) **DIRECTOR.** The director of industrial relations or his or her authorized agents or representatives.

“(3) FEDERAL ACT. Title IV, ‘Abandoned Mine Reclamation,’ of Public Law 95-87 of the 95th U. S. Congress.

“(4) FUND. State abandoned mine reclamation fund.

“(5) SECRETARY. The secretary of the United States department of interior.

“(6) STATE RECLAMATION PROGRAM. The state program for abandoned mine reclamation provided for in this article.”

“§9-16-124.

“For purposes of this article, lands and water eligible for reclamation or drainage abatement expenditures are those which were mined for coal or which were affected by the mining, wastebanks, coal processing, or other coal mining processes, and abandoned or left in an inadequate reclamation status prior to November 5, 1990, and for which there is no continuing reclamation responsibility under existing state or federal law.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:41 P.M.

Act No. 93-543

S. 4 – Senator Corbett

AN ACT

To establish the Alabama Small Business Incubator Act of 1994 to promote, establish small business incubators and entrepreneurial service under the Alabama Department of Economic and Community Affairs, and make an appropriation.

Be It Enacted by the Legislature of Alabama:

Section 1. There is appropriated from the State General Fund to the Alabama Department of Economic and Community Affairs for the 1993-1994 fiscal year the sum of seven hundred and fifty thousand dollars (\$750,000) to be used to create matching-funds grants for legal entities of the state, regional, municipal, or county governments for the purpose of promoting and establishing small business incubators and entrepreneurial services in Alabama.

Section 2. This act will be known as the “Alabama Small Business Incubator Act of 1994.”

Section 3. As used in this act, the following words and phrases shall have the following meanings:

- (1) **ADVISORY COUNCIL.** A subcommittee of the committee.
- (2) **BASE FUNDS.** Any money not appropriated pursuant to this act, that is used to match the state funds. Base funds may be federal, local, private, foundation grants, or money derived from any other source.
- (3) **COMMITTEE.** The Regional Revolving Loan Policy Committee established by Act 90-650, S. 62, 1990 Regular Session.
- (4) **CONTRACTUAL SERVICES.** Any services necessary for the implementation of and the administration of this act.
- (5) **DEPARTMENT.** The Alabama Department of Economic and Community Affairs.
- (6) **INCUBATOR.** A multitenanted facility characterized by shared business services, equipment, space, and access to on-premises business consultants.
- (7) **LEGAL ENTITY.** Any authority, agency, regional planning and development commission, city government, county government or subdivisions thereof to which the state may grant funds.
- (8) **SPONSOR.** Any entity that qualifies to make application for state funds and that enters into a written agreement with the committee to establish, operate, and administer a small business incubator or to provide funding to an organization that operates as a small business incubator.
- (9) **STATE FUNDS.** The allocation of monies from the State General Fund to the department for the purposes of this act.
- (10) **TENANT.** A sole proprietorship, partnership, or corporation that operates in a small business incubator.

Section 4. The committee is responsible for the implementation of this act, including, but not limited to:

- (1) **Assessing the current status of small business incubators in Alabama.**
- (2) **Establishing criteria for the awarding of any grants.**
- (3) **Reviewing and approving applications for grants.**
- (4) **Creating an advisory council of knowledgeable entrepreneurial developers to assist the committee in establishing any policies and procedures pursuant to this act.**

Section 5. The department shall establish policies and procedures necessary to insure accountability of funds relative to state statutes and federal programs to which the funds may be pledged as a required match. The policies and procedures shall be reviewed and shall be approved or disapproved by the committee. The department shall promulgate and implement administrative rules,

regulations, and procedures for the allocation of the appropriated general fund monies.

Section 6. The following grant programs shall be established:

(1) Feasibility study matching grants. As a necessary step in incubator start-ups, funds may be provided on a 50 percent state to 50 percent sponsor basis. Any feasibility study shall conform to the format established by the National Business Incubator Association. The maximum state funds for this purpose shall be ten thousand dollars (\$10,000).

(2) Technical assistance grants. Funds may be provided as deemed necessary by the committee.

(3) Capital outlay and operational matching grants. To offset operation costs related to beginning and maintaining a small business incubator for the first two years of operation. The maximum state funds for the first year shall be 50 percent of operational costs not to exceed seventy-five thousand dollars (\$75,000), and the second year shall be limited to 50 percent of that amount.

(4) Start-ups or expansion grants. Grants to provide for the renovation of start-ups or expansions of space in buildings or other buildings determined to be suitable for small business incubation purposes. The maximum participation for state funds for this purpose is 30 percent of the project amount, not to exceed two hundred thousand dollars (\$200,000) per grant.

(5) Construction grants. Grants to provide for the construction of new facilities. The maximum participation for state funds for this purpose is 30 percent of the project amount, not to exceed two hundred thousand dollars (\$200,000) per grant.

Section 7. The committee may use funds for the purpose of implementing and administering this act.

Legislative members of the committee may receive their regular legislative compensation for attendance of committee meetings. Other committee members shall be entitled to per diem and mileage allowances in the same amount as state employees receive as per diem and mileage allowance.

Section 8. If state grant funds are not utilized for the purposes stated in the approved grant application within two years of the date of the grant award, then the disbursed grant funds shall revert to loans. Repayment of these funds shall be made in yearly principal and interest installments for five years at the New York Prime Rate at the time of notification by the department that the two year limit has expired. These loans may be repaid on a shorter schedule if the grantee so desires. Loan funds recouped by the department and grant funds obligated, but not disbursed, shall become available for other purposes pursuant to this act.

Section 9. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:42 P.M.

Act No. 93-544

H. 667 – Rep. Venable

AN ACT

Relating to the City of Tallassee; amending Section 4 of Act No. 91-349, H. 908, 1991 Regular Session, providing for the election of the city board of education, to specify that members of the board shall serve without compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 91-349, H. 908, 1991 Regular Session, is amended to read as follows:

“Section 4. Elected school board members shall serve for four-year terms with the elections and terms thereof coinciding with those of the members of the city council of Tallassee, Alabama. The initial elections for elected board members shall be held no later than 90 days next following the effective date of this act. The initially elected board members shall serve from the date on which they are sworn into office until the swearing in of their successors next following the next regularly scheduled city council and school board elections. Terms of office for the initially elected board members shall terminate on the first Monday of October 1992, at noon or at such time as their duly elected successors are sworn in subsequent to the first Monday of October 1992. Members of the board shall serve without compensation.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:43 P.M.

Act No. 93-545

H. 163 – Rep. Ford

AN ACT

To amend Section 36-21-70, Code of Alabama 1975, as amended by Act No. 92-438 of the 1992 Regular Session, relating to the Peace Officers' Annuity and Benefit Fund, so as to allow retirement upon completion of 25 years of qualified service, regardless of age.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 36-21-70 of the Code of Alabama 1975, as amended by Act No. 92-438 of the 1992 Regular Session, is further amended to read as follows:

“§36-21-70.

“Any member shall, at any time after reaching the age of 52 and completion of at least 15 years’ qualified service or the completion of 25 years of qualified service, regardless of age, be entitled to an annuity benefit.

“The amount of the benefit shall be as scheduled below. In no event shall any member receive in excess of two hundred fifteen dollars (\$215) per month. The benefit shall begin upon approval by the board on the date of the member’s application for the benefits on forms provided by the board, but in no event shall the benefit begin prior to his or her termination of service as a peace officer. The benefits shall be paid for the life of the member, except as otherwise provided in this section.

“Benefits shall be paid according to the following schedule:

Years Qualified Service	Benefit Rate
15	\$103.75
16	110.00
17	116.25
18	122.50
19	128.75
20	135.00
21	141.25
22	147.50
23	153.75
24	160.00
25	166.25
26	176.00
27	185.75
28	195.50
29	205.25
30	215.00

There shall accompany any application made pursuant to this section evidence satisfactory to the board of the date of birth of the member. If any member receiving retirement benefits reenters employment as a peace officer, as defined in Section 36-21-60, then the payment of retirement benefits shall be terminated as long as he or she is so employed. Upon termination of his or her reemployment

as a peace officer, the benefits will resume if during the period of reemployment he or she has made all required monthly payments to the fund. Any employment as a peace officer after the initial retirement and during which the payments are made to the fund shall be included in the computation of membership service for the purpose of determining further rights and benefits under this section.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:45 P.M.

Act No. 93-546

H. 652 – Rep. Parker (P)

AN ACT

To indemnify members of the State Board of Education for personal liability by including such members under the general liability insurance coverage of the General Liability Trust Fund of the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. Members of the State Board of Education shall be indemnified for any loss incurred as a result of damage done in the performance of their duty as a member of the State Board of Education and for which the member is personally liable. The indemnification shall be made by including such members under the general liability insurance coverage of the General Liability Trust Fund in accordance with the provisions of Section 36-1-6.1, Code of Alabama 1975.

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. The provisions of this act are supplemental. However, all laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:46 P.M.

Act No. 93-547

H. 723 – Reps. Johnson, Beasley, Fuller,
Newton (C), Carothers

AN ACT

Requiring the Bureau of Geriatric Psychiatry of the Department of Mental Health and Mental Retardation, upon receiving sufficient funding, to develop and offer educational programs and services for persons caring for certain Alzheimer's disease patients, requiring certain legislative funding, and authorizing the levying of certain fees.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) The Legislature notes each of the following facts:

- (1) 523,000 Alabamians are over age 65.
- (2) Alabama will have at least 660,000 citizens over age 65 in the year 2010. Ten percent of this population will have dementia.
- (3) Alzheimer's disease is the most common cause of dementia.
- (4) 50,000 Alabamians are over age 85 and almost 100,000 will be over age 85 by the year 2010.
- (5) 47 percent of Alabamians over age 85 will have dementia.
- (6) Alabama currently has 52,800 dementia victims and will have almost 70,000 victims by the year 2010.
- (7) The life expectancy for a dementia victim is 6 to 8 years after onset.
- (8) Many victims live in rural counties with small populations and are difficult to serve.
- (9) One-quarter of older Alabamians are below poverty level and one-third live alone.

(10) Most dementia victims are managed at home by family.

(b) The purposes of this act are:

- (1) To enable older Alabamians with dementia to live with dignity in their homes or community for as long as possible.
- (2) To develop an array of services that follows dementia victims and maintains their independence in the community.
- (3) To provide appropriate services for Alabamians suffering from dementia and residing in rural and urban settings.
- (4) To emphasize and implement cost-efficient, low-technology, high-yield services that can currently benefit thousands of Alabama citizens.
- (5) To allow older Alabamians to pay for services based on their individual resources.

Section 2. This act shall be known and may be cited as the "Dementia Education and Training Act."

Section 3. (a) The Bureau of Geriatric Psychiatry of the Department of Mental Health and Mental Retardation, upon the receipt of sufficient funding, shall develop educational programs and an array of services concerning Alzheimer's disease and related illnesses. These programs and services shall be offered to persons afflicted with Alzheimer's disease, the families of these persons, and the general public.

(b) (1) The Bureau of Geriatric Psychiatry, upon the receipt of sufficient funding, shall provide instructors to train and provide support to each of the following:

a. Members of the families of persons afflicted with Alzheimer's disease and similar illnesses.

b. Health care providers who provide care for persons afflicted with Alzheimer's disease and similar illnesses at the home of the person or a member of the family of the person, or a similar residential location.

c. Other caregivers who provide care for persons afflicted with Alzheimer's disease and similar illnesses at the home of the afflicted person or a member of the family of the person, or similar residential location.

(2) These instructors shall provide technical assistance, training, support, and advice that will accomplish both of the following:

a. Encourage the providing of long-term care for such persons in the home of the person, or a member of the family of the person, or a similar residential location.

b. Reduce health care costs to the state, the family of the afflicted person, and health care facilities.

Section 4. The Department of Mental Health and Mental Retardation may promulgate necessary rules and regulations to implement this act.

Section 5. (a) The Legislature shall appropriate sufficient sums from the Special Educational Trust Fund for each of the next four fiscal years to establish and implement the requirements of this act. Thereafter, sufficient funding shall be annually appropriated by the Legislature to maintain the programs and services required by this act.

(b) The Department of Mental Health and Mental Retardation shall implement the requirements of this act to the extent funding is provided.

(c) The department may accept gifts, grants, and donations offered in support of the services established by this act.

(d) The department may assess reasonable fees from recipients of the services provided by this act, if the recipient is able to pay for the services. If the recipient is able to pay a portion of a fee, the department shall collect that portion from the recipient. All fees collected shall be used by the department for the purposes of this act.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:47 P.M.

Act No. 93-548

H. 930 – Rep. Butler

AN ACT

Relating to the City of Madison in Madison County; authorizing the governing body to levy an additional ad valorem tax and providing for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to any taxes now authorized or that may hereafter be authorized by the Constitution and laws of the State of Alabama, an increase of the citywide general ad valorem tax presently being levied pursuant to Section 216 of the Constitution of Alabama of 1901 and Amendment 56 to said Constitution, from the rate of one dollar and twenty-five cents on each one hundred dollars worth of taxable property in the City of Madison to the rate of two dollars and thirty-five cents on each one hundred dollars worth of taxable property in said municipality (an increase of one dollar and ten cents on each one hundred dollars worth of taxable property, or eleven mills) is approved; such additional eleven mill tax for general public school purposes, to be levied and collected by the governing body of the City of Madison for each year beginning with the levy for the tax year October 1, 1993, to September 30, 1994 (the tax for which year will be due and payable October 1, 1994), or such later year for which the required electorate approval may be obtained for the earliest possible levy and collection, provided that the aforesaid increase to the rate of such ad valorem tax, the time each increase is to commence, and the purposes thereof shall have been first

submitted to the vote of the qualified electors of said City, either on the same ballot or separate ballots for each purpose voted for by a majority of those voting at a special election called and held in accordance with the law governing special elections.

Section 2. In implementation of the aforesaid Amendment No. 373 with respect to the proposed general ad valorem tax increase in the City of Madison, all action heretofore taken by the City Council of the City of Madison in conducting the public hearing and proposing the tax increase (subject to approval of the Legislature of Alabama and the City of Madison electorate) at an increased rate of up to eleven mills and beginning with the October 1, 1994, collection, is hereby ratified, validated, and beginning with the October 1, 1994, collection, is hereby ratified, validated, and confirmed.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:48 P.M.

Act No. 93-549

H. 982 – Rep. McDaniel

AN ACT

Relating to the merit system for Marshall County and the manner of cost-of-living pay increases for county employees; amending Section 15 of Act No. 82-206, H. 623 of the 1982 Regular Session (Acts 1982, p. 247), for that purpose; and providing an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 15 of Act No. 82-206, H. 623 of the 1982 Regular Session (Acts 1982, p. 247), is amended to read as follows:

“Section 15. (a) The county shall pay the county employees the salary established by the board in accordance with the salary authorization establishing minimum and maximum salaries for each classification, and no other additional compensation shall be paid to county employees except as provided by subsection (b) of this section.

“(b) The board shall recommend to the commission within each classification the amount of step raises after any probation or anniversary, but may not recommend or grant, on its own, any cost-of-living increases applicable to all county employees. Only the county commission may establish or grant a cost-of-living increase for county employees.”

Section 2. This act shall become effective January 1, 1995.

Approved May 13, 1993

Time: 2:49 P.M.

Act No. 93-550

H. 981 – Rep. McDaniel

AN ACT

To amend Section 1 of Act No. 86-564, H. 806 of the 1986 Regular Session (Acts 1986, p. 1151), as amended by Act No. 90-396, S. 589 of the 1990 Regular Session (Acts 1990, p. 554), which provides further for distribution of Marshall County's share of in-lieu-of-taxes payments of the Tennessee Valley Authority, to extend the distribution to Mountain Valley Council on the Arts to September 30, 1996; and to provide for an allocation to Marshall County Economic Development Board to employ a director, and to provide for review of the allocation.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 86-564, H. 806 of the 1986 Regular Session (Acts 1986, p. 1151), as amended by Act No. 90-396, S. 589 of the 1990 Regular Session (Acts 1990, p. 554), is amended to read as follows:

“Section 1. The distribution of the share of in-lieu-of-taxes payments of the Tennessee Valley Authority for Marshall County shall be as follows:

“(1) Twenty-five percent of the total amount allocated to Marshall County shall be distributed to the Marshall County Board of Education, the Arab City Board of Education, the Guntersville City Board of Education, and the Albertville City Board of Education on a per pupil basis based upon the student enrollment of the respective schools on the last day of the first monthly attendance report of each school year commencing July 1, 1985, and each fiscal year thereafter.

“(2) The sum of twenty-five thousand dollars (\$25,000) of the remaining 75 percent shall be distributed during a fiscal year in equal monthly installments to the Mountain Valley Council on the Arts commencing on October 1, 1990, and terminating on September 30, 1996.

“(3) Two percent of the remainder of the remaining 75 percent shall be allocated for the Marshall County Legislative Delegation Office. Any funds not expended by the end of a fiscal year shall revert to the county treasury for distribution on a pro rata basis to the county and municipalities of the county as provided by law.

“(4) The sum of one hundred forty-five thousand dollars (\$145,000) of the remainder of the remaining 73 percent shall be distributed as follows:

“a. To the Marshall County Hospital Board one hundred thousand dollars (\$100,000) of which amount 13 percent shall be allocated

to the City of Albertville for ambulance use so long as ambulance service is provided by the city; 27 percent shall be allocated to the City of Arab for ambulance use so long as ambulance service is provided by the city; and 60 percent shall be allocated to the Marshall County Hospital Board for ambulance use. Any time that the City of Albertville or the City of Arab fail to provide ambulance service to the citizens of Marshall County, the funds allocated to the two respective cities shall revert to the use of the Marshall County Hospital Board.

"b. To the Marshall County Attention Home, forty-five thousand dollars (\$45,000).

"(5) The sum of one hundred thousand dollars (\$100,000) of the remaining 73 percent shall be allocated to the Marshall County Economic Development Board to employ a director and to establish an organized effort to recruit additional industries and job opportunities for each of the municipalities in Marshall County. The director shall be employed by the Economic Development Board. The funds shall be allocated after the school division pursuant to subdivision (1) and prior to the distribution to the county and municipalities. This allocation shall be reviewed after three years operation.

"All remaining amounts shall be paid to the county governing body to be distributed to the county and municipalities as provided by law."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:50 P.M.

Act No. 93-551

H. 993 – Reps. Knight (A), Hill

AN ACT

Relating to law enforcement in Shelby County; fixing the fee for the issuance of pistol permits; providing for the deposit of such fees in a fund to be designated the Sheriff's Fund and providing for the use of such fund.

Be It Enacted by the Legislature of Alabama:

Section 1. In Shelby County the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Title 13A-11-75 Code of Alabama 1975 shall be twenty dollars, which shall be collected by the Sheriff, or his appointed agent.

Section 2. Any and all monies collected under Section 1 of this act shall be deposited by the Sheriff of Shelby County, in any bank located in Shelby County, into a fund known as the Sheriff's Fund.

Section 3. The Sheriff's Fund as provided in Section 2 of this act shall be drawn upon by the Sheriff of Shelby County or his appointed agent and shall be used exclusively for law enforcement purposes in the public's interest and in the discharge of the Sheriff's office as he sees fit.

Section 4. The establishment of the Sheriff's Fund as provided in this act and the use of such funds shall in no way diminish or take the place of any other imbursement or other source of income established for the Sheriff or the operation of his office.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:51 P.M.

Act No. 93-552

H. 936 – Rep. Campbell

AN ACT

To amend further Section 5 of Act No. 79-157, 1979 Regular Session (Acts 1979, p. 256), as last amended by Act No. 82-366, 1982 Regular Session (Acts 1982, p. 520), to provide for increases in benefits for retirees under the policemen's and firemen's retirement fund for the City of Anniston in Calhoun County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 5 of Act No. 79-157, 1979 Regular Session, as amended, is amended further to read as follows:

"Section 5. The Board shall be the trustee of the fund and shall have exclusive management and control thereof. It shall have the power to adopt and enforce necessary rules and regulations to carry out the purposes of this act and to enable it properly to manage and administer the fund. When the actuary certifies that the necessary funds are available, the board may increase the benefits provided in Sections 12 and 13 of this act by passing a resolution which declares that the monthly benefit paid to each retiree, surviving spouse, or other beneficiary of the retiree shall be increased by a certain amount of money as determined by the actuary and multiplied by the number of years of active service credited to the retiree on the date of retirement.

"The Board shall hear and decide all applications for pensions and benefits under this act and its decisions shall be final except as hereinafter provided. The Board shall meet upon the call of the chairman, but in no event, less than once in each calendar quarter. The chairman shall call a meeting of the Board within ten days after the receipt of a claim or complaint hereunder.

"The Board shall have the power to employ the services of an actuary to advise the Board on all actuarial matters pertaining to the fund. The actuary shall possess the following as minimum qualifications:

"(a) He must be an enrolled actuary under the provisions of the Employee Retirement Income Society Act of 1974.

"(b) The actuary must be a Fellow of the Society of Actuaries or employed by an actuarial firm which employs a Fellow of the Society of Actuaries. In addition to all other duties which he may be called upon to perform, the actuary employed hereunder shall periodically advise the Board, in writing, as to the amount, if any, by which the benefits allowed hereunder by Sections 12 and 13 may be increased without affecting the actuarial soundness of the fund. The actuary's opinion of the increases shall be binding and the Board shall forthwith increase benefits in accordance with its powers hereinabove stated."

Section 2. This act shall become effective on the first day of the month next succeeding its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:52 P.M.

Act No. 93-553

H. 940 – Rep. Powell

AN ACT

To provide for the date of the regular monthly meeting of the Autauga County Commission, to repeal all other laws in conflict with the act.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the month following the passage of this bill, the County Commission of Autauga County shall meet regularly at the courthouse on the first Thursday of each month unless this day falls on a holiday and in this case shall meet the following day, unless some other day be agreed upon prior to the meeting for the transaction of business properly coming before the Commission.

Section 2. The Commission may hold special meetings at the call of the chairman.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:53 P.M.

Act No. 93-554

H. 941 – Rep. Willis

AN ACT

Relating to the City of Weaver in Calhoun County; to amend Section 6 of Act No. 84-405, H. 950, of the 1984 Regular Session (Acts 1984, p. 947), providing a Civil Service System for the City of Weaver, to increase the salary for members of the board.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6 of Act No. 84-405, H. 950, of the 1984 Regular Session (Acts 1984, p. 947), is amended to read as follows:

“Section 6. Each member of the board shall be paid twenty-five dollars (\$25) per month by the City of Weaver. The board shall utilize clerical assistance and legal counsel of their choosing.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:54 P.M.

Act No. 93-555

H. 953 – Reps. Hooper, Walker, McKee,
Knight (J)

AN ACT

Relating to the Water Works and Sanitary Sewer Board of the City of Montgomery; creating and establishing a personnel merit system; providing for personnel rules, principles, and organization; providing for classes of employment; and establishing an appeals board and its membership.

Be It Enacted by the Legislature of Alabama:

Section 1. Purpose.

The Water Works and Sanitary Sewer Board of the City of Montgomery (“Board”) shall establish and administer its own personnel merit system based on principles of human resources

management which shall include equity, fairness, and compliance with all applicable state and federal laws. This shall be a merit based personnel system which seeks to maintain high quality employee conduct, integrity, and concern for the public interest. These factors shall be the basis for all personnel decisions whether made by the Human Resources Department, the Board, or the Personnel Appeals Board.

Section 2. Definitions – The following terms whenever used in this act shall have the meanings respectively respectively ascribed in this Section unless the content plainly indicates a contrary meaning.

A. Appeals Board – The Personnel Appeals Board created by the Board and whose members are elected by the Board.

B. Board – The Water Works and Sanitary Sewer Board of the City of Montgomery.

C. Department – The Human Resources Department, a department of the Board created to carry out all personnel and related matters as designated by the Board.

D. Employee – Any individual who works for the Board in a classified or unclassified position whose salary is paid with funds allocated by the Board.

(1) Unclassified employee – An employee who serves at the pleasure of the Board and who is not a participant in the merit based personnel system hereby established. The following are unclassified employees:

(a) Members of the Board,

(b) Volunteer personnel who receive no compensation from the Board,

(c) Persons performing work under contract with the Board and not carried on the payroll as employees,

(d) Persons whose employment is subject to the approval of the United States Government, the city or county of Montgomery, or the State of Alabama,

(e) Temporary employees, and

(f) Other persons so designated by the Board who meet the intent of this section.

(2) Classified employee – An employee who is assigned to an on-going position authorized by the Board, whose salary is paid with funds allocated by the Board, and who may become a participant in the merit based personnel system hereby established following an initial probationary period.

E. Vacancy – A position approved and funded by the Board that is currently unoccupied or is being filled by a temporary employee.

Section 3. Principles.

There is hereby established a merit based personnel system for classified employees of the Board. The Department shall promulgate rules, regulations, and procedures necessary to implement the following principles:

(1) Recruiting, selecting, and advancing employees based on their ability, knowledge, and skills, including the open competition of qualified applicants for initial appointment;

(2) Establishing pay rates consistent with the principle of comparable pay for comparable jobs;

(3) Training employees, as needed, to assure quality job performance;

(4) Retaining employees on the basis of Board needs, adequacy of performance, correcting inadequate performance when possible, and separating employees whose continued employment is not in the best interests of the Board;

(5) Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, sex, race, color, religion, national origin, disability, or age;

(6) Providing all classified employees who have been disciplined and/or who have grievances a fair and impartial hearing and resolution of such disciplinary action and grievances.

Section 4. Continuation of Employment.

A. All classified employment with the Board is contingent upon:

(1) Availability of funds,

(2) The Board's need for work to be done,

(3) The employee's compliance with all rules, policies and procedures established in accordance with this act, and

(4) Satisfactory job performance by the employee.

B. All classified employees who have successfully completed a probationary period shall not be separated from Board employment without a hearing before the Appeals Board pursuant to the rules, regulations, and procedures promulgated by the department, if the employee requests such a hearing.

Section 5. Establishment of Human Resources Department.

A. The Board shall establish a Human Resources Department ("Department") within the Board. The Board shall adopt all rules, policies, and procedures necessary for creation and operation of the Department.

B. The Department shall assist the Board in the creation and implementation of a personnel system. The Department shall carry out all activities assigned to it by the Board. This shall include promulgating all necessary rules, policies, and procedures; overseeing benefits related to employment; assisting department heads; assisting employees; providing clerical and administrative assistance to the Personnel Appeals Board; and any other functions deemed appropriate by the Board – all with consideration and approval by the Board.

Section 6. Rules, Policies and Procedures.

The rules, policies and procedures necessary to implement this act must be promulgated by the Department and approved by the Board within 90 days of this act becoming effective. The rules, policies, and procedures adopted by the Board shall be based on the principle that all employees and applicants shall receive fair and equitable treatment in all aspects of personnel management without regard to political affiliation, race, color, religion, national origin, sex, age, disability, and with proper regard for privacy and constitutional rights.

Section 7. Personnel Appeals Board.

A. The Board shall create a Personnel Appeals Board (“Appeals Board”) separate and apart from the Board for the purpose of hearing all appeals from final employee actions by the Board and as requested by the affected employee. The Appeals Board shall consist of three members appointed by vote of majority of the Board members at any regularly or specially scheduled Board meeting.

B. The Appeals Board members must be residents of and qualified voters of the City of Montgomery at the time of appointment. A member may not be a Board employee or Board member or a blood relative (as defined by state merit system) of a Board employee or Board member.

C. **Each Appeals Board member shall be appointed for a three (3) year term (unless filling an unexpired term) and may be reappointed. However, the first appointed members shall serve staggered terms of 3, 2, and 1 years as determined by the Board.**

D. The Appeals Board members shall elect a Chairman annually by a majority vote.

E. The Appeals Board shall meet at least quarterly and at such other times as determined by the Chairman.

F. The Board shall determine the compensation of the Appeals Board members and shall also provide it with office space and support staff as reasonably necessary.

G. The Board shall promulgate the necessary rules, regulations and procedures for the operation of the Appeals Board.

Section 8. Employment.

All classified employees shall be hired from a certified register of job applicants who meet the job related qualifications as provided by the Department. All personnel activities shall be in accordance with the rules, policies, and procedures enacted by the Board.

Section 9. Political Activity.

A. Any employee may participate in city or state political activities to the same extent any citizen of Alabama may. This activity may include endorsing a candidate and contributing to campaigns. Employees may join local political organizations, and state and national political parties. Employees may also support issues of public welfare, circulate petitions, and make contributions.

B. No employee of the Board shall use his or her official position or authority to influence the vote or political action of any person, nor shall any Board funds, property, or time be used for any political activity. No employee of the Board shall solicit political contributions or solicit work in any capacity in a campaign from any person who is a subordinate employee.

Section 10. Transfer of Records.

All existing records related to Board employees' employment shall be transferred to the Human Resources Department.

Section 11. Retirement Funds.

All retirement funds of participating Board employees shall remain with the Montgomery County Retirement System, unless the Board creates its own Retirement System and, if so, the then existing retirement funds of participating Board employees shall be moved into the new Board retirement system.

Section 12. Severability Clause.

If any portion of this act is declared void or unconstitutional, all remaining portions shall remain in effect.

Section 13. Repealer.

All laws or parts of laws, general, local or special, which conflict with this act, including specifically Act No. 71-2280 as it applies to the Board, are hereby repealed. As Act 71-2280 applies to the City of Montgomery, a municipality, it shall remain in full force and effect.

Section 14. Effective Date.

This act shall become effective sixty days after its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:55 P.M.

Act No. 93-556

H. 840 – Rep. Black (L)

AN ACT

Relating to Greene County; to amend Section 17 of Act No. 376, H. 1040, 1975 Regular Session, as amended, to provide further for the distribution of funds received from the Greene County Racing Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 17 of Act No. 376, H. 1040, 1975 Regular Session is amended to read as follows:

“Section 17. All fees, commissions, taxes, and other monies, including fines and forfeitures, received under the provisions of this act shall be paid to the Treasurer of Greene County and deposited by the treasurer in the county treasury to the account of the Greene County Racing Commission. All such monies remaining after payment of expenses incurred in the administration of this act, including the payment of the salaries and expenses of the members and employees of this commission shall be distributed on a quarterly basis as follows:

“(a) There shall be distributed to the Greene County Commission an amount not to exceed two hundred thousand dollars (\$200,000) per year: (1) to pay principal of and interest on bonds, warrants or other securities at any time thereafter issued by the Greene County Commission for the purpose of providing and equipping the existing jail facility; or constructing new jail facilities and renovating, improving and equipping existing jail facilities; (2) to enable the county to make lease rental payments to any public corporation in an amount sufficient to retire bonds or other securities issued by such public corporation for the purpose of providing funds to pay cost of acquiring, providing, construction and equipping a new jail facility; renovating, improving and equipping the existing jail facility; or constructing new jail facilities and renovating existing jail facilities (or any combination thereof); (3) to pay principal of and interest on bonds, warrants or other securities at any time hereafter issued by said Greene County Commission for the purpose of providing funds to pay costs of acquiring, providing, constructing and equipping a new County Courthouse; renovating, improving and equipping the existing County Courthouse; (4) to enable the county to make lease rental payments to any public corporation in an amount sufficient to retire bonds or other securities issued by such public corporation for the purpose of providing funds to pay costs of acquiring, providing, construction and equipping a new County Courthouse; renovating, improving and equipping the existing County Courthouse; or acquiring, providing, constructing and equipping a new County Courthouse and renovating, improving and

equipping the existing County Courthouse (or any combination thereof). At such time as the principal and interest bonds, warrants or other securities heretofore mentioned are satisfied, then said sum shall be prorated equally as provided in the following subparagraphs (b), (c), (d), and (e). The balance is to be distributed as follows:

“(b) Twenty-five percent of the monies shall be appropriated to the municipalities of Greene County on a per capita basis according to the most recent population figures used by the federal government for the purpose of revenue sharing, or if these figures are not available, the most recent federal decennial census shall be used.

“(c) Five percent to the Greene County Hospital Board.

“(d) Thirty percent of the monies shall be appropriated to the Greene County Board of Education.

“(e) Forty percent of the monies shall be appropriated to the general fund of Greene County to be allocated and spent in the following prescribed manner:

“(1) Fifty-five and one-half percent of this amount shall remain unearmarked and may be spent in any manner, provided by law, for the benefit of the citizens of Greene County, by the county governing body thereof.

“(2) Ten percent to be used by the county governing body to upgrade law enforcement in the county.

“(3) Four percent for the maintenance of a county ambulance service.

“(4) Four percent for the establishment and maintenance of day care centers within the county.

“(5) Two percent to be appropriated to the Greene County Library Association for the upgrading of the library system.

“(6) Three percent to be appropriated to West Alabama Health Services, Inc., to be used for transportation and other health needs for Greene County citizens.

“(7) Two and one-half percent to be appropriated to the Community Services Programs of Tuscaloosa-Bibb Counties, Inc., to be used for assistance to low income residents of Greene County.

“(8) Two percent to be appropriated to the Greene County Housing Authority, to be used as follows: (a) One percent to the general budget of the Greene County Housing Authority Board; (b) one percent to the Home Buyers Association for social service programs.

“(9) Two percent to be appropriated to West Alabama Mental Health Center, Inc., to be used for mental health services within Greene County.

“(10) One percent to be appropriated to the Greene County Retired Senior Volunteer Program (RSVP).

"(11) Two and one-half percent to be appropriated to the Society of Folk Arts and Culture, Inc., for culture and youth development. Provided, however, the allocation provided in this subdivision (11) shall not be made if the provisions of Act No. 93 of the 1993 Regular Session, which levies an additional ad valorem tax in Greene County, is approved by the electors of the county. If the provisions of that act are approved, the allocation provided in this subdivision shall revert to the county general fund.

"(12) One percent to be appropriated to the Greene County Commission to be used as follows: (a) One-half of the one percent thereof to be used by the County Commission in Cultural and Historical Preservation; (b) one-half of the one percent thereof to the Greene County Historical Society for their use in restoring and preserving historic sites and buildings in the county.

"(13) Two percent to the Greene County Health Department to be used for general health care in Greene County and to augment the WIC (Women Infant and Children) and related health programs in Greene County.

"(14) Four percent to be appropriated to the Parks and Recreation Board. No more than 15 percent of the four percent thereof shall be used for maintenance and development of the Greene County Golf Course.

"(15) Four and one-half percent to Greene County Community Improvement Association for the construction, renovation, and operation of community centers in Tishabee, Clinton, Dollarhide Knoxville, Mantua, and Mt. Hebron. When the foregoing facilities have been constructed and renovated in these communities, then the funds will be designated for the general use and operations of the Greene County Community Improvement Association for the construction of additional community centers and the operations of community centers in Greene County."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:56 P.M.

Act No. 93-557

H. 913 – Rep. Powell

AN ACT

To amend Act No. 61, H. 2, 1967 Special Session, (Acts 1967, p. 96), relating to Autauga County and providing the fee for issuance of a pistol permit by the sheriff, to further provide for the fee.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 61, H. 2, 1967 Special Session, (Acts 1967, p. 96), is amended to read as follows:

“Section 1. In Autauga County, the fee for issuance of a permit to carry a pistol in a vehicle or concealed on or about the person as provided in Section 13A-11-75, Code of Alabama 1975, shall be twenty dollars (\$20), which shall be collected by the sheriff and deposited in any bank located in Autauga County into a fund designated the sheriff’s fund. The fund shall be drawn upon by the sheriff and used exclusively for purposes of law enforcement in the discharge of the sheriff’s office as the sheriff sees fit.”

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:57 P.M.

Act No. 93-558

H. 955 – Rep. Willis

AN ACT

Relating to the City of Jacksonville in Calhoun County; providing for a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only in the City of Jacksonville in Calhoun County.

Section 2. As used in this act, the following words shall have the following meanings:

(1) **APPOINTING AUTHORITY.** The mayor or city council, and in the case of a separate board or instrumentality, the governing body or individual designated by the governing body in writing to the board.

(2) **BOARD.** The civil service board created by this act.

(3) **CITY.** The City of Jacksonville in Calhoun County.

(4) **EMPLOYEE.** Any person, including firemen and policemen, not excepted by Section 3 of this act, who is employed in the service of the City of Jacksonville.

(5) **GOVERNING BODY.** The city council and, in the case of a separate board or instrumentality, the governing body of that board or instrumentality.

Section 3. This act shall apply to all officers and employees in the service of the city or any board, agency, or instrumentality thereof except the following:

- (1) Elective officers.
- (2) Members of appointive boards, commissions, and committees.
- (3) All employees of the city board of education engaged in the profession of teaching or in supervising teaching in the public schools.
- (4) Attorneys, physicians, surgeons, nurses, and dentists employed in their professional capacities.
- (5) The judge of any court.
- (6) Independent contractors receiving their remuneration from public funds under contracts awarded by competitive bidding.
- (7) Any person whose employment is subject to the approval of the United States government or any of its agencies.
- (8) The secretary of the chief executive officer of the city.
- (9) Any employees at a hospital or nursing home, whether operated by the city or by any municipal authority or board of the city.
- (10) Any professional librarian employed by the city.

Section 4. All employees of the city shall be governed by civil service rules and regulations promulgated pursuant to this act and administered by the civil service board created in Section 5 of this act. Present employees shall remain in their respective employments during good behavior; but nothing in this act shall be construed to prevent or preclude the removal of an employee for cause as provided in this act. Except for appointed employees, present employees shall be subject fully to this act.

Section 5. (a) There is created the Civil Service Board of the City of Jacksonville, which shall be composed of five members appointed by the state senator and state representative representing Jacksonville. The following groups shall each submit the names of three nominees to the state senator and state representative:

- (1) All employees of the street and sanitation department.
- (2) All employees of the gas, and water and sewer department.
- (3) All employees of the police and fire department.
- (4) The mayor and city council, all the employees of the city clerk's office, and all the employees of the city recreation department.
- (b) The state senator and state representative representing Jacksonville shall appoint one member from the nominees submitted

by each group. One other member at-large shall be appointed by the state senator and state representative representing the city. Each appointee shall serve for terms of six years and until his or her successor is appointed.

(c) No person shall be appointed to the board who is not a qualified elector of the City of Jacksonville and over the age of twenty-five years.

(d) Members of the board shall take the constitutional oath of office, which shall be filed in the office of the judge of probate. Vacancies of the board shall be filled in the same manner as the original appointment. The members of the board shall elect a chair, vice chair, and a secretary from among their members. Any member of the board who becomes a candidate for, or is elected or appointed to another public office shall vacate his or her office as a member of the board.

Section 6. The chair of the board shall be paid one hundred twenty-five dollars (\$125) per month, the vice chair shall be paid one hundred and ten dollars (\$110) per month and all other members of the board shall be paid one hundred dollars (\$100) per month. Board members shall be paid by the City of Jacksonville. The board shall have power to appoint clerical assistance and engage the legal counsel of its choice.

Section 7. The board shall fix the times for its regular meetings, and it shall hold at least one regular meeting each month. The board may also hold special, adjourned, or called meetings at any time. Members of the board in attendance at special or called meetings shall receive twenty dollars (\$20) for attendance. Board members shall not be paid for more than two special or called meetings in any calendar month. A majority of the members of the board shall constitute a quorum for the transaction of business. All meetings of the board shall be held in the city hall.

Section 8. The board shall keep minutes of its meetings and a record of all business transacted by it. The records, except those the rules of the board required to be held confidential for reasons of public policy, shall be open for inspection by any resident of the city at all reasonable times.

Section 9. (a) The board may make rules and regulations governing examinations, eligible registers, appointments, transfers, salaries, promotions, demotions, annual and sick leave, step raises, and other matters as may be necessary to accomplish the purposes of this act. If any step raise has been denied, the employee has 10 working days to contest the denial. After the review of all facts, the decision of the board shall be final. A rule or regulation may be made only after a public hearing is held on the proposed rule or regulation and after a certified copy of it has been

filed with the city clerk. All employees shall be appointed upon a non-partisan merit basis without regard to race, color, national origin, political affiliation, disability, age, sex, or religion. There shall not be appointed, and the board shall not examine, any person who is not a citizen of the United States. The board shall:

(1) Classify the different types of services to be performed in the service of the city.

(2) Prescribe qualifications, including those of education, training, and experience, for the appointees and incumbents of each class.

(3) With the approval of the appointing authority, fix a maximum and minimum salary for each class.

(4) Allocate each position in the service to its proper class.

(b) The board shall provide for the periodic rating of employees according to their merit to determine whether they are maintaining standards of service. The board shall establish rules and regulations governing dismissals, suspensions, layoffs, terminations, and leaves of absence. The severance of any employee's relationship with the city shall be in accordance with the board's regulations.

Section 10. The salary to be paid each subordinate employee shall be determined by his or her appointing authority; and the salary to be paid each department head employee shall be determined by the city governing body. The salary paid to each department head and each subordinate employee shall be within the pay plan and pay rules and regulations established by the board and shall be no more than the board approves. It shall be unlawful for any official or employee to draw or issue any warrant on the city treasury for the payment of salary to any employee covered by this act unless the warrant is in an amount authorized by the board to be paid the employee. A sum paid as salary contrary to this section may be recovered in an action brought by any resident of the city against the official or employee who draws or issues the warrant, or against the sureties on his or her bond.

Section 11. The board shall make and keep a register of all persons eligible and available for appointment to each class of position in the service of the city, ranked according to ability. No examination shall be given and no register kept for positions to be filled by persons designated by the board as common laborers. Layoffs available for re-employment shall be placed at the head of the proper present and subsequent eligible registers in the inverse order of their terminations. Employees who voluntarily terminate their services may be granted re-employment status upon proper

eligible registers under the circumstances and in the manner as may be provided for in the board's rules and regulations, subject to stipulations of this section concerning layoffs. Persons desiring appointment may file applications with the board, and the board shall, from time to time, conduct examinations to test the ability of the applicants. All qualified applicants shall be examined, and the examinations shall be public, competitive, and subject to the limitations specified by the board as to age, residence, health, height, weight, habits, moral character, and other factors pertinent to the ability to discharge the duties of the position. The civil service board shall fill vacancies in the classified service, insofar as practicable, by promotions from among regular employees holding positions in the classified service. If the board decides to fill a vacancy within the classified service, it shall determine the regular employees holding the classified positions in the department or departments eligible to take the examination. Examinations shall be practical in character and shall relate to those matters which test the ability of the person examined to discharge intelligently the duties of the position for which he or she applies. In no case shall an appointment be made from an eligible register which is more than one year old, and no eligible register shall be the result of more than one examination.

Section 12. Whenever a vacancy exists in any position in the service of the city, it shall be filled by appointment of one of the five persons who rank highest on the appropriate eligible register of the board. In the event there are less than five eligible qualified applicants, the vacancy may be filled from the number of eligible qualified applicants which are on the appropriate register, or by transfer within the service of the city from another position of essentially the same class. However, the ranking layoff of the same class shall be appointed in every instance. The appointing authority may reject any eligible list that contains less than five persons, and the list shall be abolished. However, the appointing authority may select a person from an eligible list that has less than five names. The board may authorize the governing body to fill the vacancy temporarily pending the establishment of an eligible register. No authorization may be given for longer than 120 calendar days, and no employee shall have status under this act. All appointments, other than temporary appointments, shall be probationary for 12 months from the date of the appointment. A probationary subordinate employee may be discharged by the governing body for unsatisfactory service at any time before the expiration of that period if the action is approved by the board. A probationary department head may be discharged or demoted similarly by the governing body upon approval by the board. After the expiration of the probationary period, an appointment shall become permanent.

Section 13. The governing body shall be the authority to suspend an employee for any personal misconduct or fact affecting or concerning his or her fitness or ability to perform his or her duties in the public interest. In the event an employee is suspended for more than 30 work days in any one year, he or she shall be entitled to a public hearing by the board upon a written demand filed within five working days from the date of the order of suspension. If, after a hearing, the board determines that the action of the governing body was for insufficient cause, the suspension shall be revoked.

Section 14. (a) The governing body of the city may remove, discharge, or demote any employee, officer, or official of the city who is subject to this act and who is directly under the governing body, provided that within five working days a report in writing of the action is made to the board, giving the reason for the removal, discharge, or demotion. The employee shall have 10 working days from the time of written notification of his or her discharge, removal, or demotion in which to appeal to the board. Upon receipt of the appeal, the board shall order the charges or complaint to be filed with it in writing and shall hold a hearing on the charges. No permanent employee, officer, or official of the city whose employment comes within the coverage of this act, and whose probationary period has been served, shall be removed, discharged, or demoted except for some personal misconduct, or fact, rendering his or her further tenure harmful to the public interest, or for some cause affecting or concerning his or her fitness or ability. If the removal, discharge, or demotion is appealed to the board, then the action will become final only after a hearing upon written charges or complaint. At the hearing, the employee shall have the opportunity to face his or her accusers and be heard in his or her own defense. Pending a hearing on the appeal, the employee may be suspended. After the hearing the board may order the employee reinstated, demoted, removed, discharged, or suspended, or take any other disciplinary action which in their judgment is warranted by the evidence and the law. Charges may be filed against an employee subject to this act by any citizen as follows:

- (1) The charges shall be in writing.
- (2) The charges shall state the facts succinctly.

(3) The charges shall be sworn to before any member of the board or before any person authorized to administer oaths.

(b) Upon the receipt of the charges, the board, after due consideration, shall determine whether in its opinion it considers that the good of the service will be served by a hearing on the charges and, if not, the charges may be dismissed by the board. If in the

judgment of the board the charges are of a minor nature, the charges may be referred by the board to the proper department head. The proper department head shall make an investigation of the charges and make his or her recommendation to the board, within the time prescribed by the board as to what disciplinary action, if any, should be taken.

(c) After the recommendation is made by the department head and after due notice of the recommendation is given to the affected employee the board may, in its discretion, adopt the action recommended by the department head or any part of the order. However, if the complaint of the affected employee, or both of them, objects to the recommendation of the department head, the board shall hold a public hearing again on the charges, and take whatever disciplinary action in their judgment is warranted by the evidence and the law. All hearings before the board shall be open to the public. All testimony given in all hearings before the board shall be under oath and taken down in writing. In all cases, the decision of the board shall be reduced to writing and entered in the record of the case. In all proceedings before the board, the city attorney may appear and prosecute all charges instituted by the city governing body or any of its members or by any department head, when requested or directed to do so by the city governing body. It shall not be the duty of the city attorney to prosecute any charges brought by a private citizen. In all proceedings before the board, the city attorney may appear and represent the interests of the city, and give such legal advice and legal assistance as the board may require.

(d) The board and its specially authorized representatives shall have the power to administer oaths, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and production of papers necessary as evidence in connection with any hearing, investigation, or proceedings provided by this act. The chief of police or some other police officer of the city shall serve all processes of the board, and shall attend and preserve order at all public hearings conducted by the board. If a person refuses to obey a subpoena, the board or its representative may enforce the subpoena in any circuit court of competent jurisdiction in order that the testimony or evidence be produced. Upon proper showing, the court shall issue a subpoena or order requiring the person to appear before the board or its representative and produce all evidence and give all testimony relating to the matter in issue. A person who fails to obey the subpoena order may be punished by the court as for contempt. The fees of witnesses for attendance and travel shall be the same as fees for witnesses in the circuit courts of the state, which fees shall be paid from the treasury of the city.

(e) Any person aggrieved by a decision of the board may appeal the decision to the circuit court of Calhoun County within 30 days from the rendition of the decision by the board. Review by the court shall be without a jury and be confined to the record. The court shall make a determination of the questions of law presented and the board's findings of fact shall be final and conclusive.

Section 15. The board shall receive from the city governing body an annual budget of at least twenty-five thousand dollars (\$25,000) per year. The funds shall be allocated pursuant to the same budgetary process as is applicable to other city departments. The funds shall be accounted for in the same manner as other city funds are accounted. The funds shall be used to pay compensation, expenses, and for the operation of the board. The city governing body shall provide the board an office in the city hall, which shall be suitably equipped and furnished for the needs of the board, including telephone service, postage, office supplies, and stationary.

Section 16. Any person in the service of the city by appointment under civil service rules or regulations who willfully violates this act, or any rule or regulation issued pursuant to this act shall be dismissed from service and shall not be reappointed for two years.

Section 17. Any person who violates any of the provisions of this act shall be guilty of a Class C misdemeanor.

Section 18. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:59 P.M.

Act No. 93-559

H. 958 – Reps. Smith (C), Powell

AN ACT

Relating to Chilton County; providing for a transaction fee on computer generated county business conducted and transacted in the offices of the tax assessor, tax collector, and judge of probate; and providing for disposition of the funds from the fees.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to all other fees and costs provided by law, a transaction fee of two dollars (\$2) shall be paid to the

Chilton County Tax Assessor, Tax Collector, and Judge of Probate when public business is transacted in the office of either county official that is computer generated. The transaction fees shall be collected by the tax assessor, tax collector, and the judge of probate and deposited in the county general fund for appropriation for general county purposes.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 2:59 P.M.

Act No. 93-560

H. 959 – Reps. Smith (C), Powell

AN ACT

Relating to Chilton County; authorizing the county commission to levy an additional sales and use tax; providing for the collection, distribution, and use of the proceeds of the tax; and providing for a referendum.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply only to Chilton County.

Section 2. As used in this act, state sales and use tax means the tax imposed by the state sales and use tax statutes, including, but not limited to, Sections 40-23-1, 40-23-2, 40-23-3, 40-23-4, 40-23-60, 40-23-61, 40-23-62, and 40-23-63 of the Code of Alabama 1975.

Section 3. The County Commission of Chilton County may levy, in addition to all other taxes, including, but not limited to, municipal gross receipts license taxes, a one cent (\$.01) privilege license tax against gross sales or gross receipts.

The gross receipts of a business and the gross proceeds of all sales which are presently exempt under the state sales and use tax statutes are exempt from the tax authorized by this act.

Section 4. The tax levied by this act shall be collected by the Department of Revenue at the same time and in the same manner as state sales and use taxes are collected. On or prior to the date the tax is due, each person subject to the tax shall file with the department a report in the form prescribed by the department. The report shall set forth, with respect to all sales and business transactions that are required to be used as a measure of the tax levied, a correct statement of the gross proceeds of all the sales

and gross receipts of all business transactions. The report shall also include items of information pertinent to the tax as the department requires. A person subject to the tax levied by this act may defer reporting credit sales until after their collection. In the event the person defers reporting credit sales, the person shall thereafter include in each monthly report all credit collections made during the preceding month and shall pay the tax due at the time of filing the report. All reports filed with the department pursuant to this section shall be available for inspection by the county commission or its designee.

Section 5. Each person engaging or continuing in a business subject to the tax levied by this act shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer because of the sale or admission. It shall be unlawful for a person subject to the tax to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount required added to the sale or admission price. It shall be unlawful for a person subject to the tax levied by this act to refund or offer to refund all or a part of the amount collected or to absorb or advertise directly or indirectly the absorption or refund of a portion of the tax.

Section 6. The tax authorized imposed by Section 3 of this act shall constitute a debt due the county and may be collected as provided by law. The tax, together with interest and penalties associated with the tax, shall constitute and be secured by a lien upon the property of the person who shall pay the tax or who is required to collect the tax. The revenue laws of this state which apply to enforcement of liens for license taxes due the state shall apply fully to the collection of the tax levied in Section 3 of this act. The Department of Revenue for the use and benefit of the county shall collect the tax, enforce this act, and shall have and exercise collection and enforcement rights and remedies that the state or the department has for collection of the state sales and use taxes. The Department of Revenue may employ special counsel necessary, from time to time, to administer and enforce collection of the tax levied by this act, including the administration of any litigation involving this act. The department shall pay the fees of the special counsel from the proceeds of the tax collected by the department for the county.

Section 7. All provisions of the state sales and use tax statutes with respect to payment, assessment, and collection of the state sales and use taxes, making of reports and keeping and preserving records with respect to the taxes, penalties for failure to pay the taxes, the administrative code regulations relating to the

state sales and use taxes, and the administration and enforcement of the state sales and use tax statutes, which are not inconsistent with this act when applied to the tax levied in Section 3 of this act, shall apply to the additional county tax levied pursuant to this act. The Commissioner of the Department of Revenue and the Department of Revenue shall have and exercise the same powers, duties, and obligations with respect to the additional county tax levied pursuant to this act that are imposed on the commissioner and the department, respectively, by the state sales and use tax statutes. All provisions of the state sales and use tax statutes that are made applicable by this act to the additional county tax levied pursuant to this act and to the administration and enforcement of this act are incorporated by reference into this act and made a part as if fully set forth.

Section 8. (a) The Department of Revenue shall charge the county for collecting the additional county taxes levied pursuant to Section 3, an amount or percentage of total collections as agreed upon by the Commissioner of Revenue and the Chilton County Commission. The charge shall not exceed five percent of the total amount of the additional county sales and use taxes collected in the county pursuant to Section 3. The charge for collecting the additional taxes may be deducted each month from the gross revenues from the additional taxes before certification of the amount of the proceeds from the taxes due the county for that month. The Commissioner of Revenue shall pay into the State Treasury all taxes collected as the taxes are received by the Department of Revenue, and on or before the first day of each successive month, commencing with the month following the month in which the department makes the first collection pursuant to this act. The commissioner shall certify to the State Comptroller the amount of taxes collected pursuant to Section 3 and paid by him or her into the State Treasury for the benefit of the county during the month immediately preceding the certification. Before certifying the amount of the tax paid into the State Treasury for the benefit of the county during each month, the commissioner may deduct from the tax collected in the month the charge due the department for the collection of the tax for the county. It shall be the duty of the State Comptroller to issue his or her warrant each month payable to the Treasurer of Chilton County in his or her official capacity in an amount equal to the amount certified by the Commissioner of Revenue as having been collected for the use of the county. The State Comptroller shall then deliver to the Chilton County Commission the balance remaining.

(b) All revenues arising from the taxes levied in Section 3 shall be distributed by the Treasurer of Chilton County as follows:

(1) 33 1/3 percent for indigent care of Chilton County citizens, county-related medical care, and county-related medical and mental health facilities.

(2) 33 1/3 percent for construction of a new Chilton County Jail; purchase of land for the site of the new jail; and other Chilton County Sheriff's Department law enforcement operations.

(3) 33 1/3 percent for public education for the purpose of capital improvements in Chilton County.

Section 9. This act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of the county who vote thereon at a referendum held for that purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the state constitution, and shall be held on the same day as the next general, primary, or special election immediately following final passage of this act. Notice of the election shall be given by the Judge of Probate of Chilton County and the notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor the local law passed at the 1993 Regular Session of the Legislature, authorizing the county commission to impose a sales and use tax, not exceeding one percent in Chilton County, to be divided equally for indigent care of Chilton County citizens, county-related medical care, and county-related medical and mental health facilities; construction of a new Chilton County Jail, purchase of land for the site of the new jail, and other Chilton County Sheriff's Department law enforcement operations; and for public education for the purpose of capital improvement in Chilton County? Yes ____ No ____."

If a majority of the votes cast at the election are affirmative votes, this act shall have full force and effect on the first day of the second month immediately following approval by the qualified electors of the county. If a majority of the votes cast are in the negative, the act shall have no further effect. The Judge of Probate of Chilton County shall certify the results of the election to the Secretary of State.

Section 10. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Approved May 13, 1993

Time: 3:00 P.M.